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A red circular graphic with a gradient, appearing as a semi-circle or a partial circle, located to the right of the author's name.

Zivilgesetzbuch II Art 457 977 Zgb:

Swiss Contract Law in International Commercial Arbitration Christoph Müller, 2023-08-10 This book provides a systematic presentation of the most important commercial contracts under Swiss law i.e. the contract of sale the contract for work and services the simple mandate contract and the commercial agency contract as well as the licence agreement the exclusive distribution agreement and the settlement agreement The book also contains an in depth introduction of the Swiss law of obligations covering topics such as the fundamental principles of contract law the obligation as the effect of the contract the formation of contracts contract interpretation validity of contracts agency general terms and conditions and breach of contract After English law Swiss law is deemed to be the most attractive law applicable to the parties contract in an international context At the same time English is usually chosen as the language of the arbitration proceedings This book will therefore be an indispensable resource for all English speaking lawyers interested in international commercial arbitration

Property and Trust Law in Switzerland Georg von Segesser, Josef Caleff, 2019-03-26 Derived from the renowned multi volume International Encyclopaedia of Laws this practical analysis of the law of property in Switzerland deals with the issues related to rights and interests in all kinds of property and assets immovable movable and personal property how property rights are acquired fiduciary mechanisms and security considerations Lawyers who handle transnational disputes and other matters concerning property will appreciate the explanation of specific terminology application and procedure An introduction outlining the essential legal cultural and historical considerations affecting property is followed by a discussion of the various types of property Further analysis describes how and to what extent legal subjects can have or obtain rights and interests in each type The coverage includes tangible and intangible property varying degrees of interest and the various ways in which property is transferred including the ramifications of appropriation expropriation and insolvency 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 The book includes ample references to doctrine and cases as well as to relevant international treaties and conventions 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 any practitioner faced with a property related matter Lawyers representing parties with interests in Switzerland will welcome this very useful guide and academics and researchers will appreciate its value in the study of comparative property law

Passing Wealth on Death Alexandra Braun, Anne Röthel, 2016-07-28 Wealth can be transferred on death in a number of different ways most commonly by will Yet a person can also use a variety of other means to benefit someone on death Examples include donationes mortis causa joint tenancies trusts life insurance contracts and nominations in pension and retirement plans In the US these modes of transfer are grouped under the category of will substitutes and are generally treated as testamentary dispositions Much has been written about the effect of the use of will substitutes in the US but little is generally known about developments in

other jurisdictions For the first time this collection of contributions looks at will substitutes from a comparative perspective It examines mechanisms that pass wealth on death across a number of common law civil law and mixed legal jurisdictions and explores the rationale behind their use It analyses them from different viewpoints including those of owners of businesses investors as well as creditors family members and dependants The aims of the volume are to show the complexity and dynamics of wealth transfers on death across jurisdictions to identify patterns between jurisdictions and to report the attitudes towards the different modes of transfer in light of their utility and the potential frictions they give rise to with policies and principles underpinning current laws

A Factual Assessment of the Draft Common Frame of Reference Luisa Anatonoli, Francesca Fiorentini, 2010-12-23 This book contains a case based assessment of the Draft Common Frame of Reference carried out by the Common Core Evaluating Group which gathers a number of well established and younger scholars coming from Eastern and Western countries of the European Union using the working method of the research project The Common Core of European Private Law www.common-core.org The aim of the assessment is to test how the Draft Common Frame of Reference could work when applied in different national legal systems To this end a number of factual situations i e hypothetical cases have been drafted by the authors and solved through the application of both national rules and rules of the DCFR Thereby similarities and differences in the outcome of the cases have been analysed together with difficulties if any in the application of the Principles of European Law The Common Core assessment has been carried out as part of the Joint Network of European Private Law Project CoPECL financed by the EU Commission

The Impact of Corruption on International Commercial Contracts Michael Joachim Bonell, Olaf Meyer, 2015-08-29 This volume presents national reports describing the legal instruments that are available to prevent the payment of bribes for acquiring contracts Anti corruption is one of the preeminent issues in the modern global commercial order and is tackled with the help of criminal law and contract law in different ways in different countries The reports included in this volume from very diverse parts of the world represent a unique and rich compilation of court decisions doctrinal discussions and a pool of suggested solutions The central theme is the enforceability of three problematic types of contracts the bribe agreement whereby a bribe payer promises the agent of his business partner a personal benefit in exchange for favourable contract terms the agreement between a bribe payer and an intermediary a bribe merchant where the latter offers his expertise to help funnel bribes to agents of the business partner and finally the contract between the bribe payer and his business partner which was obtained by means of bribery The analysis is tailored toward commercial contracts which can also include contracts with state owned enterprises The examination and comparison of international and national initiatives included in this volume advance the discussion on the most appropriate remedies in corruption cases and show how to get past the boundaries of criminal private and contract law

International Taxation of Cloud Computing Alexander Weisser, 2020-10-07 Cloud computing may be borderless but taxes are territorial It is easy to imagine how the two concepts can clash Much effort has gone into

harmonizing tax rules across borders with the result that many jurisdictions have very similar tax rules. Even so, taxation remains a basic expression of national sovereignty. The goal of this thesis is to examine how international tax law applies to the cross-border cloud computing business. Both multinational providers and customers of cloud computing services are analyzed. Reflecting three traditional areas of international tax scholarship, the goal could be stated in three questions: Which jurisdictions have the right to tax? What kinds of cloud computing transactions can be taxed? What amount of the profit is taxable? In more technical terms, this means enquiring into how the use of cloud computing affects the permanent establishment status of taxpayers, how the different kinds of cloud computing transactions are characterized under international double taxation treaties, and how the calculation of taxable cloud computing profit is affected by transfer pricing. In light of the current political events, the thesis also offers recommendations de lege lata through a systematic approach. Its first part assesses the current taxation of cloud computing. The second part evaluates whether the findings of this initial assessment conform to various superior principles of good rulemaking. It identifies which of the present tax rules ought to be adapted. The final part considers how the rules could be amended to become more compliant with the superior principles. In this way, Part I embodies the thesis, Part II the antithesis, and Part III seeks a synthesis.

Les droits réels Paul-Henri Steinauer, 2019-08-14. Le présent ouvrage est le premier volume d'une série destinée à la fois aux étudiants et aux juristes engagés dans la vie professionnelle. À celles et ceux qui abordent l'étude des droits réels, il présente et explique les aspects principaux de la réglementation fédérale. Il contient aussi des développements à l'intention des juristes qui ont approfondi la matière ainsi que de nombreuses références à la jurisprudence et à la doctrine qui faciliteront la recherche d'informations complémentaires. Après une introduction générale, ce premier volume traite de la possession du registre foncier, des dispositions générales sur la propriété ainsi que de la propriété par tages. Cette sixième édition tient compte de l'évolution de la législation, de la jurisprudence et de la doctrine depuis 2012.

Schweizerisches Haftpflichtrecht Walter Fellmann, Andrea Kottmann, Adrian Rothenberger, 2025-10-21. Band I des Schweizerischen Haftpflichtrechts ist 2012 erschienen. Seither hat der Gesetzgeber das Verjährungsrecht revidiert, was Anpassungen und neue Überlegungen erforderlich macht, und es sind zahlreiche Urteile ergangen, die nachzutragen sind und über die es zu reflektieren gilt. Auch die Diskussion in der Doktrin steht nicht still. Sie erfordert ebenfalls Ergänzungen und neue Überlegungen. Der Bedarf nach einem Lehrbuch, das den Studierenden, den Praktikern und den Gerichten einen möglichst umfassenden Überblick über den Stand der Diskussion verschafft, ist geblieben. Es drängt sich daher eine neue Auflage auf, die zudem Gelegenheit für zahlreiche Verbesserungen der bisherigen Darstellung bietet. Band I der 2. Auflage des Schweizerischen Haftpflichtrechts behandelt wiederum den Allgemeinen Teil des Haftpflichtrechts, namentlich die klassischen Haftungsvoraussetzungen. Es folgen Ausführungen zur Verschuldenshaftung und zur Haftung für Persönlichkeitsverletzungen. Weiter befasst sich das Buch mit den gewöhnlichen Kausalhaftungen des OR und des ZGB sowie der Haftung für fehlerhafte Produkte nach dem PrHG. Es folgen Ausführungen zur

Schadensberechnung zur Schadenersatzbemessung zur Genugtuung zur Haftung mehrerer Ersatzpflichtiger und zur Verjahrung

Luzerner Tag des Stockwerkeigentums 2022 Amédéo Wermelinger, 2022-11-18 Am 15 November 2022 findet die Luzerner Tagung zum Stockwerkeigentum das 12 aufeinanderfolgende Jahr statt Dieses Jahr wird nebst der blichen Besprechung neuerer Gerichtsurteile durch J rg Schwarz die Frage der Nachhaltigkeit beim Stockwerkeigentum durch Am d o und No mie Wermelinger behandelt Es geht letztlich darum ob die Klimaerw rmung spurlos am Stockwerkeigentum vorbeigeht oder eben doch nicht Barbara Graham Siegenthaler setzt sich mit den Pflichten der Verwaltung und deren Abberufung im Zusammenhang mit der neueren Rechtsprechung auseinander Diese Thematik wird mit jener von Roman Bruhin erg nzt welcher den Stolpersteinen bei einer Dossier bergabe durch die Verwaltung nachgeht Ein interessantes Nebengebiet wird von Phillipp Eberhard er rtert der die Betreuung und die Aufl sung vom gew hnlichen Miteigentum n her untersucht was regelm ssig auch Auswirkungen auf das Stockwerkeigentum hat Schliesslich werden sich Rapha l Haas und Jonas R egg der heiklen Frage der Durchsetzung des Reglements widmen da ein solches Papier nur dann etwas wert ist wenn man ihm auch vor Gericht zum Durchbruch verhelfen kann

Gemeinschaftliches Eigentum unter Ehegatten, eingetragenen Partnern und nichtehelichen Lebenspartnern - EU-Erbrechtsverordnung Stephan Wolf, 2015-10-23 Das Werk ist zwei an sich voneinander unabh ngigen Themen dem gemeinschaftlichen Eigentum unter Ehegatten eingetragenen Partnern und nichtehelichen Lebenspartnern einerseits der EU Erbrechtsverordnung andererseits gewidmet die aber beide f r die praktizierenden Notarinnen und Notare im Berufsalltag von eminent hoher Relevanz sind Der Beitrag von Prof Dr Regina E Aebi M ller und Prof Dr Stephan Wolf gilt dem gemeinschaftlichen Eigentum unter Ehegatten unter besonderer Ber cksichtigung der ehег ter erb und sachenrechtlichen Aspekte MLaw Martina Bosshardt und Prof Dr Stephanie Hrubesch Millauer befassen sich mit gemeinschaftlichem Eigentum in nichtehelichen Lebensgemeinschaften unter Ber cksichtigung der eingetragenen Partnerschaft Dr Daniel Leu Rechtsanwalt stellt die EU Erbrechtsverordnung in einem berblick vor und geht namentlich auf die f r das Notariat relevanten Aspekte ein

Journée de droit successoral 2025 Maryse Pradervand-Kernen, Michel Mooser, Antoine Eigenmann, 2025-01-16 Cet ouvrage rassemble les contributions pr sent es lors de la Journ e de droit successoral du 16 janvier 2025 Dans l esprit d une formation continue de caract re g n ral en droit successoral cet ouvrage s adresse l ensemble des juristes int ress s par le droit des successions Il s inscrit dans le cadre de la formation continue des avocats sp cialistes FSA en droit des successions Au sommaire M Pradervand Kernen Les effets du pacte successoral d attribution l aune du nouvel art 494 CC A S Dupont et P Stanic Acquisition de la succession par une personne au b n fice de prestations sociales A Jungo Violation de la r serve h r ditaire en cas de substitution fid icommissaire D Piotet La faillite successorale r vocation r vision et action en r duction A Eigenmann L obligation de rapporter questions choisies R de Gourcy Le pr l vement compensatoire en droit fran ais D Regamey S lection d arr ts du Tribunal f d ral rendus entre ao t 2023 et juillet 2024

Praxishandbuch Legal Operations Management Roman P. Falta, Christian

Dueblin, 2017-07-21 Dieses Praxishandbuch basiert auf dem Erfahrungsschatz von über 40 Persönlichkeiten aus Universitäten der öffentlichen Verwaltung und der Privatwirtschaft Mit seinem Querschnitt durch wichtige praxisrelevante Aspekte von Legal Operations Management richtet sich das Werk nicht nur an Legal und General Counsels sondern auch an Aufsichtsräte CEOs CFOs und weitere Führungskräfte von KMU Großunternehmen und multinationaler Konzerne sowie an Behörden und Anwaltskanzleien Es richtet sich an diejenigen Personen die sich bei ihrer Arbeit vertieft mit der Funktion des Rechts dem Aufbau der Organisation von Rechtsabteilungen und deren Optimierung auseinandersetzen wollen Es stellt eine wichtige Inspirationsquelle für eigenständige Lösungen des Managements von Recht in Unternehmen und Behörden dar **SIA-Norm**

118 Hans Spiess, Marie Huser, 2023-05-11 Die SIA Norm 118 als wichtigste Allgemeine Vertragsbedingung für schweizerische Bauwerkverträge ist in ihrer revidierten Fassung 2013 bereits 10 Jahre in Anwendung Lehre und Rechtsprechung haben mit Publikationen und Entscheidungen dazu beigetragen Fragen zu klären aber auch neue Fragen aufgeworfen Die bearbeitete Neuauflage des Kommentars fördert einerseits Lehre und Rechtsprechung nach und setzt sich andererseits kritisch mit verschiedenen offenen Fragen auseinander Die Kasuistik zu einzelnen Artikeln wurde aktualisiert und gestrafft Im Kommentar findet sich der Text der SIA Norm 118 in Deutsch Französisch Italienisch und neu auch dessen englische Übersetzung

Les effets du mariage Henri Deschenaux, Paul-Henri Steinauer, Margareta Baddeley, 2017-12-15 L'ouvrage présente les effets du mariage prévus par le Code civil suisse savoir les règles sur les effets généraux du mariage art 159 179 celles sur les régimes matrimoniaux art 181 251 et le droit transitoire y relatif Il expose également les règles correspondantes de la Loi sur le partenariat enregistré entre personnes de même sexe art 12 25 Cette troisième édition tient notamment compte du nouveau droit de la protection de l'adulte des révisions du droit du nom du droit de la filiation autorité parentale entretien de l'enfant et adoption et des règles sur le partage de la provoyance professionnelle en cas de divorce ainsi que de l'évolution de la jurisprudence et de la doctrine depuis la précédente édition de ce précis Les auteurs s'adressent la fois aux étudiants et étudiants et aux juristes engagés dans la vie professionnelle Pour faciliter une première approche de la matière la typographie met en évidence les points essentiels L'ouvrage comprend aussi pour celles et ceux qui ont approfondi la matière des passages plus développés ainsi que de nombreuses références la jurisprudence et la doctrine **Journée de droit**

successoral 2017 Paul-Henri Steinauer, Michel Mooser, Antoine Eigenmann, 2017-01-20 Cet ouvrage rassemble les contributions présentées lors de la journée de droit successoral du 19 janvier 2017 Dans l'esprit d'une formation continue de caractère général en droit successoral cette journée s'adressait l'ensemble des juristes intéressés par le droit des successions Elle s'inscrivait dans le cadre de la formation continue des avocats spécialistes FSA en droit des successions organisée par les Facultés de droit de Lausanne Fribourg et Neuchâtel Au sommaire Denis Piotet Le patrimoine s'acquiert en droit successoral Effets à l'égard des tiers Antoine Eigenmann Action en nullité et indignité Margareta Baddeley L'utilisation des fondations des fins successorales Andrea Bonomi La circulation internationale des certificats d'héritiers François Logoz La délivrance du legs par

lex cuteur testamentaire Paul Henri Steinauer Rapport et dispositions pour cause de mort

Fortpflanzungsmedizingesetz (FMedG) Andrea Büchler, Bernhard Rütsche, 2020-06-05 Die bahnbrechenden Fortschritte der Fortpflanzungsmedizin und Gentechnologie stellen Gesellschaft Politik und Recht seit gut vier Jahrzehnten vor grosse Herausforderungen Der schweizerische Gesetzgeber hat jüngst mittels Teilrevision des Fortpflanzungsmedizingesetzes auf die Entwicklungen im Bereich der genetischen Untersuchung von Embryonen in vitro Präimplantationsdiagnostik reagiert Mit diesem Handkommentar liegt erstmals eine Gesamtdarstellung des schweizerischen Fortpflanzungsmedizinrechts vor Neben dem Gesetz erfasst die Kommentierung auch die Verfassungsbestimmung über die Fortpflanzungsmedizin und Gentechnologie im Humanbereich sowie das massgebende Verordnungsrecht und nimmt Bezug auf internationale Regulierungen Die Kommentierung enthält zudem allgemeine Darstellungen der medizinischen und genetischen Grundlagen der soziologischen Hintergründe der Quellen und Entwicklungsgeschichte sowie der krankenversicherungsrechtlichen Bezüge des Fortpflanzungsmedizinrechts *Les droits réels limités à l'épreuve du droit de la concurrence* Ratko Djakovic, 2023-06-06 La présente contribution tend à montrer que la concurrence au sens large peut être restreinte au moyen de droits réels limités Dans la première partie de l'ouvrage l'auteur effectue des développements sur les notions de servitude et de charge foncière en retenant que cette dernière est intéressante car elle peut également prévoir une prestation négative charge du propriétaire grevé La seconde partie est consacrée à l'étude des accords restrictifs de concurrence de l'abus de position dominante et de leur confrontation aux instruments juridiques précités Les deux dernières parties traitent des clauses précisant les modalités de la créance fiduciaire figurant dans des conditions générales À cet égard l'auteur soulève la question de l'application de l'article 8 LCD aux conditions générales utilisées par les tablissements financiers Le lien entre ces deux sujets tend à se parer dans la sanction civile d'un comportement anticoncurrentiel respectivement d'une clause jugée abusive En effet dans les deux cas la nullité n'est pas une sanction idéale puisqu'elle ne tient pas compte du dynamisme de la concurrence notamment quant aux substitutions de parties substantielles et l'évolution des parts de marché des entreprises concernées L'auteur propose donc de retenir une solution innovante qui a le mérite de tenir compte du caractère variable de l'illicite **Luzerner Tag des Stockwerkeigentums 2019** Amédéo Wermelinger, 2019-11-19 Am 19 November 2019 findet die Luzerner Tagung zum Stockwerkeigentum das 9 Mal statt Die Ausgabe widmet sich den Dienstbarkeiten und der Rechtsprechung Urban Bieri nimmt die Rechtsprechung zur Abtretung und zur Durchsetzung der Mängelrechte unter die Lupe Jörg Schwarz berichtet über die aktuelle Rechtsprechung zum Stockwerkeigentum Barbara Graham Siegenthaler schreibt über die Grunddienstbarkeiten zugunsten und zulasten des Stammgrundstücks und den damit verbundenen Fragen Jörg Unternährer beleuchtet die Thematik der rechtlichen Ausgestaltung der Einstellhalle Jörg Schmid Roland Pfaffli und Amédéo Wermelinger nehmen das Baurecht im Zusammenhang mit dem Stockwerkeigentum unter die Lupe *Vorsorgliche Massnahmen im internationalen Zivilprozessrecht* Sejee Phurtag, 2019-08-28 Die Zuständigkeit zum

Erlass vorsorglicher Massnahmen bei internationalen Sachverhalten sowie ihr Vollzug im Ausland sind im schweizerischen Recht primär im IPRG und im Lug normiert. Trotz ihrer Relevanz sind sie nur marginal geregelt, so dass selbst nach verschiedenen Leiturteilen nach wie vor erhebliche Unsicherheiten bestehen. Die vorliegende Dissertation leistet einen Beitrag zur Beseitigung dieser Unsicherheiten, indem sie sich mit dem Begriff der vorsorglichen Massnahme nach schweizerischem und englischem Verständnis auseinandersetzt und die Zuständigkeiten zu ihrem Erlass sowie die Modalitäten für ihre Auslandsvollstreckung nach IPRG und Lug detailliert darlegt. Die Arbeit spricht zahlreiche Unklarheiten an, wobei der Schwerpunkt auf der direkten Zuständigkeit zum Erlass einstweiliger Anordnungen liegt. Ebenso wird ein kurzer Überblick über die per 10. Januar 2015 in Kraft getretene Revision der EuGVVO und die damit eingetretenen Veränderungen im Massnahmenbereich skizziert. Indem wesentliche für den forensischen Rechtsalltag interessante Rechtsfragen behandelt werden, dient das vorliegende Werk der Praxis als Handbuch im Bereich des einstweiligen Rechtsschutzes.

Le trust à l'épreuve du droit successoral en Suisse, en France et au Luxembourg Julien Perrin, 2006 Thèse Droit Sciences criminelles Administration publique 2006

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