

Remedies have not yet drawn special attention in German private law. In fact, scholars perceive remedies merely as a ‘legal by-product’ to tort law, contract law or IP law. On the contrary, the law of remedies is considered a ‘stand-alone’ research area in the UK and the US. For instance, lectures focus on commercial remedies, scholars publish textbooks concerning this topic and dedicate their research to questions surrounding remedies. This conference aims to discover whether there is such a thing as a German or European ‘law of remedies’ as well. Against the background of the latest developments in European private law, it is more than important to identify controversies and explore principles concerning the issue of remedies. In order to stimulate this debate, international scholars will provide impulses for a German and European ‘law of remedies’.

Organizer

Chair of Private Law, Intellectual Property and Technology Law
Friedrich-Alexander-Universität
Erlangen-Nürnberg

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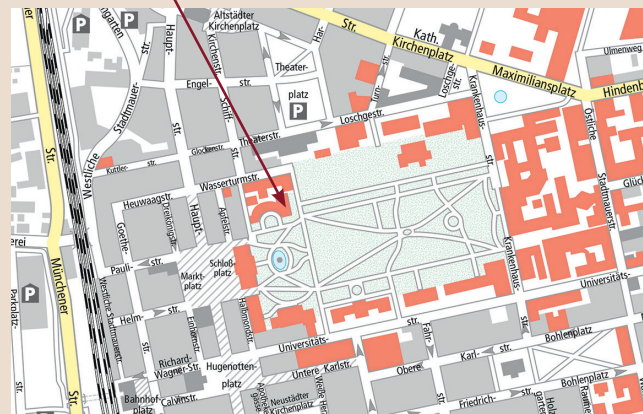
Registration

via getr@fau.de
by 15.9.2018

Venue

Wassersaal, Orangerie
Schlossgarten 1, 91054 Erlangen

Location of Orangerie



Sponsored by Fritz Thyssen Stiftung
für Wissenschaftsförderung

Exploring Remedies – Impulses for a German and European ‘Law of Remedies’

5.-6.10.2018



Programme

Friday, 5 October 2018

9.00 a.m. Welcome and introduction

*Prof. Dr. Franz Hofmann, LL.M. (Cambridge),
Friedrich-Alexander-Universität
Erlangen-Nürnberg*

*Prof. Dr. Jan-Reinard Sieckmann,
Dean of the School of Law,
Friedrich-Alexander-Universität
Erlangen-Nürnberg*

THE ISSUE OF REMEDIES

9.15 a.m. Remedies in English private law – a ‘stand-alone’ research area

*Prof. Dr. Paul S. Davies,
University College London*

10.00 a.m. Remedies in private law from a German perspective

*Prof. Dr. Jan Felix Hoffmann,
Albert-Ludwigs-Universität Freiburg*

10.45 a.m. Break

11.15 a.m. Protection of rights through administrative courts or through public liability law – what could be the point of a law of remedies in public law?

*Prof. Dr. Andreas Funke,
Friedrich-Alexander-Universität
Erlangen-Nürnberg*

12.00 a.m. Economics of remedies – the perspective of corporate law

*Prof. Dr. Klaus Ulrich Schmolke, LL.M. (NYU),
Friedrich-Alexander-Universität
Erlangen-Nürnberg*

12.45 p.m. Lunch

MECHANISMS OF ENFORCEMENT

2.00 p.m. Private enforcement versus public enforcement

*Prof. Dr. Jens-Uwe Franck, LL.M. (Yale),
Universität Mannheim*

2.30 p.m. Responsio: Criminal enforcement

*PD Dr. Dorothea Magnus, LL.M. (San Diego),
Universität Leipzig*

3.15 p.m. Break

FUNCTIONS OF REMEDIES

4.00 p.m. Disgorgement of profits – deterrence and punishment via remedies?

*Prof. Dr. Benjamin Raue,
Universität Trier*

4.30 p.m. Preventive remedies – prevention in private law

*Prof. Dr. Luboš Tichý,
Univerzita Karlova, Prague*

Discussion

PRINCIPLES OF A GERMAN AND EUROPEAN ‘LAW OF REMEDIES’

5.15 p.m. Analysing damages – is it possible to identify common principles in European private law?

*Prof. Dr. Christian Heinze, LL.M. (Cambridge),
Leibniz Universität Hannover*

7.30 p.m. Dinner

Saturday, 6 October 2018

9.00 a.m. The principle of proportionality – balancing interests in private law via remedies

*Prof. Dr. Orit Fischman Afori,
Haim Striks School of Law,
College of Management, Israel*

9.45 a.m. Remedies against innocent third parties – the case of intermediaries

*Ass. Prof. Dr. Martin Husovec,
Tilburg University*

10.30 a.m. Coffee

11.00 a.m. Remedies in European IP law – themes and controversies

*Jonathan Moss,
Hogarth Chambers, London*

11.45 a.m. Remedies in European contract law – themes and controversies

*Prof. Dr. Christian Twigg-Flesner,
University of Warwick*

12.30 p.m. Concluding remarks

*Prof. Dr. Franz Hofmann, LL.M. (Cambridge),
Friedrich-Alexander-Universität
Erlangen-Nürnberg*