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’.
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

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

12.45 p.m. Dinner

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