

# Inhaltsverzeichnis

Vorwort .....	V
How to use the glossaries .....	VII
Einleitung .....	XXIII
Autorenverzeichnis .....	XXIX
<b>I.A Contract Law in the United States (Alexander Quest) .....</b>	<b>1</b>
1. Mutual Assent.....	1
1.2 Offer and Acceptance.....	1
2. Doctrine of Consideration .....	2
3. Invalid Contracts .....	2
3.1 Lack of Capacity.....	2
3.2 Fraud and Duress.....	3
3.3 Unconscionability.....	3
3.4 Violation of Public Policy .....	3
4. Writing Requirement under the Statute of Frauds .....	3
5. Failure of Basic Assumptions.....	4
5.1 Mistake, Impracticability and Frustration .....	4
6. Performance and Satisfaction .....	4
6.1 Nonperformance .....	4
6.2 Conditions.....	4
6.3 Suspension and Termination .....	5
6.4 Anticipatory Repudiation .....	5
7. Interpretation of Contracts .....	5
7.1 Law of the Contract and Parol Evidence .....	5
7.2 Interpretation and Construction .....	6
8. Third Party Rights.....	6
8.1 Intended and Incidental Beneficiaries .....	6
8.2 Assignment .....	7
8.3 Delegation .....	7
9. Remedies for Breach .....	7
9.1 Specific Performance and Injunction.....	7
9.2 Damages.....	8
9.3 Restitution.....	8
<b>I.B Contract Law in the United Kingdom (Michael H. Whincup) .....</b>	<b>9</b>
1. Contracts .....	9
1.1 Intention .....	9
1.2 Clarity .....	9
1.3 Offer and acceptance .....	9
1.4 Valuable consideration .....	10
1.5 Writing .....	10
1.6 Terms .....	10
1.7 Standard terms.....	11
1.8 Choice of law clauses .....	11
2. Avoiding Liability .....	11
2.1 Mistake.....	11
2.2 Misrepresentation .....	11

2.3 Frustration .....	12
2.4 Duress; undue influence .....	12
3. Arbitration and ADR .....	12
4. Breach of Contract .....	12
5. Damages .....	13
6. Mitigation .....	13
7. Liquidated Damages; Penalties .....	13
8. Other Remedies .....	13
9. Time Limits .....	14
 <b>I.C Contract Law in Germany (Peter Poleacov) .....</b>	 15
1. Sources of Law .....	15
2. Contracts .....	15
2.1 Conclusion of contracts .....	15
2.2 Form of the contract .....	15
2.3 Contents of a contract .....	16
2.4 Interpretation .....	16
2.5 Severability clause .....	17
2.6 GTC law .....	17
2.7 Termination of contracts .....	18
2.8 Legal consequences of termination of contract .....	18
2.9 Special features of commercial transactions .....	19
2.9.1 Commercial letter of confirmation .....	19
2.9.2 Obligation to inspect goods and give notice of defects .....	19
2.9.3 Assignment of a monetary claim .....	19
2.9.4 Right of retention .....	19
3. Claims Arising out of Contract Negotiations; <i>c.i.c.</i> ( <i>culpa in contrahendo</i> ) .....	19
4. The Principle of Abstraction and Separation .....	20
5. Types of Contracts .....	20
6. Damages and Warranty for Defects .....	21
7. Statute of Limitation .....	22
8. Bearing of Risk .....	22
 <b>I.D Contract Law in Austria (Gabriele Koziol) .....</b>	 23
1. Introduction .....	23
2. Formation of Contract .....	24
2.1 Offer .....	24
2.2 Acceptance .....	24
2.3 Form .....	24
2.4 Interpretation of contract .....	25
2.5 Special provisions on consumer contracts .....	25
3. Standard Contract Terms .....	25
4. Contractual Capacity .....	26
5. Agency .....	26
6. Nullity of Contract .....	27
7. Mistake, Fraud and Duress .....	27
7.1 Mistake .....	27
7.2 Fraud and duress .....	28
7.3 Laesio enormis .....	28
8. Non-performance .....	28

<b>I.E Contract Law Cut &amp; Paste.....</b>	30
1. Opening Phrases .....	30
2. Preamble/Recitals/Preliminary Statements/Whereas Clauses .....	30
3. Consideration Clause.....	31
4. Definitions.....	32
4.1 Definitions – General / Headings .....	32
5. Conditions.....	32
6. Representations and Warranties .....	32
7. Covenants.....	34
8. Remedies .....	35
9. Indemnification .....	36
10. Limitation of Liability.....	36
11. Confidentiality.....	37
12. Force Majeure.....	37
13. Assignment and Succession; Subcontracting.....	39
14. Independent Contractor .....	39
15. Term and Duration.....	40
16. Termination .....	40
17. Waivers .....	42
18. Notices .....	43
19. Entire Agreement; Merger Clause .....	44
20. Amendments .....	44
21. Severability/Partial Invalidity .....	45
22. Counterparts.....	45
23. Governing Law .....	45
24. Jurisdiction/Forum .....	46
25. Arbitration.....	47
26. Languages .....	49
27. Closing Phrases.....	50
<b>Contract Law Glossary .....</b>	51
<b>Glossar Vertragsrecht .....</b>	64
<b>II.A United States Business Entities Overview (<i>Gil B. Selinger</i>) .....</b>	75
1. Sole Proprietorship.....	75
2. Partnership .....	75
2.1 General Partnership .....	76
2.2 Limited Partnership .....	77
2.3 Other Partnership Variations.....	77
3. Corporation.....	78
4. Limited Liability Company.....	80
<b>II.B Company Law in the United Kingdom (<i>Michael H. Whincup</i>) .....</b>	82
1. Sole Traders and Partnerships.....	82
2. Companies.....	82
2.1 Company formation .....	83
2.2 Memorandum.....	83
2.3 Articles .....	83
2.4 Registration .....	84
2.5 Management.....	84
2.6 Insolvency.....	85

<b>II.C The Law of Business Organisations in Germany (Peter Poleacov) .....</b>	86
1. Sources of Law .....	86
2. Types of Business .....	86
2.1 <i>Personenhandelsgesellschaften</i> (commercial partnerships) .....	86
2.1.1 <i>Gesellschaft bürgerlichen Rechts (GbR)</i> (civil law partnership) .....	86
2.1.2 <i>Offene Handelsgesellschaft (OHG)</i> (general commercial partnership) .....	87
2.1.3 <i>Kommanditgesellschaft (KG)</i> (limited partnership) .....	87
2.1.4 <i>GmbH &amp; Co KG</i> .....	88
2.1.5 <i>Partnerschaftsgesellschaft (PartG)</i> (professional partnership) .....	88
2.2 Companies .....	88
2.2.1 <i>Aktiengesellschaft (AG)</i> (joint-stock company or stock corporation) .....	88
2.2.2 "Kleine AG" (small joint-stock company) .....	89
2.2.3 <i>Gesellschaft mit beschränkter Haftung (GmbH)</i> (limited liability company) .....	89
2.2.4 <i>Unternehmergeellschaft (UG) (haftungsbeschränkt)</i> (entrepreneurial company (limited)) .....	90
3. Groups of Companies .....	91
4. Branches .....	91
5. Transfer of Shares/Interests .....	91
5.1 Commercial partnerships .....	91
5.2 Companies .....	92
6. Transformation .....	92
7. Preparation and Publication of Annual Financial Statements .....	92
8. The German Corporate Governance Code .....	92
9. Termination of a Company or Partnership .....	92
10. Duty to Petition for the Commencement of Insolvency Proceedings .....	93
11. Public Nature of the Commercial Register (Section 15 HGB) .....	93
 <b>II.D The Law of Business Organisations in Austria (Matthias Potyka) .....</b>	94
1. <i>Personengesellschaften</i> (Partnerships) .....	94
1.1 <i>Gesellschaft bürgerlichen Rechts</i> (Civil law partnership) .....	94
1.2 <i>Offene Gesellschaft</i> (General partnership) .....	94
1.3 <i>Kommanditgesellschaft</i> (Limited partnership) .....	95
2. Kapitalgesellschaften (Companies) .....	96
2.1 <i>Gesellschaft mit beschränkter Haftung</i> (limited liability company) .....	96
2.2 <i>Aktiengesellschaft</i> (Stock corporation) .....	98
2.3 European company ( <i>Societas Europea/SE</i> ) .....	99
 <b>II.E English Trusts (Owen McIntyre) .....</b>	101
1. Introduction .....	101
2. Formalities .....	102
3. Certainties .....	103
4. Trustees .....	104
5. Fiduciary Nature of Trusteeship .....	105
<b>Muster Gesellschaftsrecht .....</b>	107
<b>Business Organisations Glossary .....</b>	127
<b>Glossar Gesellschaftsrecht .....</b>	138

<b>III.A Insurance Law in the United States (Franz J. Heidinger) .....</b>	149
1. Introduction .....	149
2. Types of Insurance Companies.....	149
3. Types of Insurance .....	150
3.1 Life Insurance .....	150
3.2 Casualty Insurance.....	151
3.3 Marine Insurance.....	151
4. Premiums.....	151
5. Doctrine of Insurable Interest .....	151
6. Claims Procedure.....	151
7. Coverage Disputes .....	152
8. Reinsurance .....	153
9. Regulation of the Business of Insurance .....	153
<b>III.B Insurance Law in England and Wales (Susan Moyce and Christopher N. Hegarty).....</b>	155
1. Indemnity Insurance.....	155
2. Non-indemnity Insurance.....	155
3. General Principles .....	155
4. Third Party Rights.....	156
5. Legal Expenses Insurance .....	157
6. Non-indemnity Claims .....	158
7. Indemnity Claims .....	158
8. Regulation of Insurance .....	158
<b>III.C Insurance Law in Germany (Bettina Plaßmann-Robertz).....</b>	159
1. Introduction .....	159
1.1 Sources of law in private insurance law .....	159
1.2 The reform of the German Insurance Contract Act ( <i>VVG</i> ).....	159
2. Insurance Contract Law .....	160
2.1 Basic concept of the <i>VVG</i> .....	160
2.2 Definition of an insurance contract.....	160
2.3 Conclusion of an insurance contract.....	160
2.4 Description of the insured risk by use of General Terms and Conditions of Insurance ( <i>Allgemeine Versicherungsbedingungen</i> ) .....	161
2.5 Typical duties of the parties .....	161
2.5.1 The duty to pay the agreed insurance premium .....	161
2.5.2 Obligations .....	162
2.5.3 Assumption of a financial risk by the insurer .....	162
2.5.4 Indemnity insurance ( <i>Schadensversicherung</i> ), fixed-benefit insurance ( <i>Summenversicherung</i> ), personal insurance ( <i>personenbezogene Versicherung</i> ) and non-personal insurance ( <i>nicht personenbezogene Versicherung</i> ).....	162
3. The Burden of Proof in Insurance Litigation .....	164
4. Insurance Agents, Insurance Brokers and Insurance Advisors/Consultants .....	165
5. Reinsurance .....	165
<b>III.D Insurance Law in Austria (Alexander L. Seel) .....</b>	166
1. Public Law Insurance – Private Law Insurance .....	166
2. Social Security Law .....	166

3.	The Austrian Insurance Contracts Act ( <i>Versicherungsvertragsgesetz/VersVG</i> ) .....	166
3.1	Regulations for all areas of insurance (Sections 1-48 <i>VersVG</i> ) .....	167
3.2	Regulations for all areas of indemnity insurance (Sections 49 – 80 <i>VersVG</i> ) .....	168
3.3	Property insurance .....	170
3.4	Third party liability insurance .....	171
3.5	Transport insurance .....	171
3.6	Legal expense insurance .....	171
4.	The Austrian Motor Vehicle Liability Insurance Act ( <i>Kraftfahrzeug-Haftpflichtversicherungsgesetz/KHVG</i> ) .....	172
5.	Special Features of Austrian Insurance Practice.....	172
5.1	Term of insurance .....	172
5.2	Insurance tax .....	173
5.3	Motor vehicle liability insurance .....	173
	<b>Muster Versicherungsrecht .....</b>	174
	<b>Insurance Law Glossary.....</b>	181
	<b>Glossar Versicherungsrecht.....</b>	186
	<b>IV.A Introduction to Arbitration under the US System with an introduction to AAA Arbitration (Jenny Power and Courtney Lotfi).....</b>	193
1.	The United States is a Pro-Arbitration Forum .....	193
2.	The Federal Arbitration Act: its Scope and Application .....	193
2.1	General Provisions of the FAA (Chapter 1) .....	194
2.2	The Convention on the Recognition and Enforcement of Foreign Arbitral Awards (Chapter 2).....	195
2.3	The Inter-American Convention on International Commercial Arbitration (Chapter 3).....	195
3.	Additional Sources of Law Regarding Arbitration .....	196
4.	AAA/ICDR Arbitration .....	196
	<b>IV.C Arbitration in Germany (Peter Poleacov) .....</b>	198
1.	Arbitration agreement .....	198
2.	The nature of arbitration proceedings.....	198
3.	Differences between arbitration and legal proceedings.....	198
4.	The arbitrator(s) .....	199
5.	Request for arbitration .....	199
6.	The arbitral tribunal .....	199
6.1	<i>Ad hoc</i> arbitral tribunals .....	199
6.2	Institutional arbitral tribunals .....	200
7.	New York Convention (1958) membership .....	200
	<b>IV.D Arbitration in Austria (Gerold Zeiler) .....</b>	201
1.	General .....	201
2.	The UNCITRAL Model Law.....	201
3.	The Basic Structure of Austrian Arbitration Law .....	201
4.	Arbitrable Disputes .....	202
5.	The Arbitration Agreement .....	203
6.	The Principle of <i>Kompetenz-Kompetenz</i> .....	203
7.	The Doctrine of Separability of the Arbitration Clause.....	203

8. The Role of the Courts.....	204
9. Conduct of the Arbitration Proceedings.....	204
10. The Arbitral Award .....	204
11. Interim Measures of Protection .....	205
12. Set aside Proceedings.....	205
13. Enforcement Procedure for Foreign and Domestic Awards.....	205
14. Institutional Arbitration in Austria – the VIAC.....	206
15. The Vienna Rules.....	209
<b>Arbitration Glossary.....</b>	<b>215</b>
<b>Glossar Schiedsgerichtsbarkeit.....</b>	

**V.A Tax Law in the United States (*Christian Halwachs and Veronika Kumer*).....** 221

1. Business Taxation.....	221
1.1 Domestic Corporations.....	221
1.2 Foreign Corporations.....	222
1.3 Dispositions of U.S. Real Property Interests.....	224
1.4 Taxation of Capital Gains and Losses.....	224
1.5 Affiliated Groups .....	224
1.6 Relief from Losses .....	225
1.7 Tax Credits .....	225
1.8 Additional Taxes .....	225
1.9 Allocation of Income and Expenses Among Related Persons .....	225
1.10 Payroll Taxes .....	225
1.11 Special Corporations.....	226
2. Indirect Taxation.....	226
2.1 Federal Excise Taxes .....	226
2.2 State And Local Indirect Taxes .....	227
3. Taxation of Individuals .....	227
3.1 Taxable Income of Residents.....	228
3.2 Taxable Income of Nonresident Aliens.....	228
3.3 Estate and Gift Taxes .....	228

**V.B Tax Law in the United Kingdom (*Christian Halwachs and Veronika Kumer*).....** 229

1. Business Taxation .....	229
1.1 Corporations .....	230
1.2 Taxation of Non-corporate Entities.....	230
1.3 Taxation of Profits and Gains.....	230
1.4 Groups and Consortia .....	231
1.5 Losses .....	231
1.6 Capital Gains.....	231
1.7 Relief for Foreign Taxes.....	231
1.8 Transfer Pricing.....	232
1.9 Withholding Taxes.....	232
2. Indirect Taxation.....	232
3. Taxation of Individuals.....	232
3.1 Taxable Income.....	233
3.2 Taxation of Capital Gains .....	234
3.3 Inheritance Tax .....	

<b>V.C Tax Law in Germany (Christian Halwachs and Veronika Kumer) .....</b>	235
1. Business Taxation .....	235
1.1 Corporations .....	235
1.2 Relief from Losses .....	236
1.3 Affiliated Groups of Companies (Fiscal Unit – <i>Organschaft</i> ) .....	236
1.4 Participation Privilege ( <i>Schachtelbegünstigung</i> ) .....	236
1.5 Withholding Tax on Dividends and Interest .....	237
2. Indirect Taxation.....	237
3. Taxation of Individuals .....	238
3.1 Taxable Income of Residents.....	238
3.2 Taxable Income of Non-Residents .....	239
3.3 Capital Gains.....	239
3.4 Inheritance and Gift Tax .....	239
<b>V.D Tax Law in Austria (Christian Halwachs and Veronika Kumer) .....</b>	240
1. Business Taxation .....	240
1.1 Corporations .....	240
1.2 Relief from Losses .....	241
1.3 Affiliated Groups of Companies (Group Taxation Regime) .....	241
1.4 Participation Privilege ( <i>Schachtelbegünstigung</i> ) .....	241
1.5 Withholding Tax on Dividends and Interest .....	242
2. Indirect Taxation.....	242
3. Taxation of Individuals .....	243
3.1 Taxable Income of Residents.....	243
3.2 Taxable Income of Non-Residents .....	244
3.3 Capital Gains.....	245
3.4 Inheritance and Gift Tax .....	245
<b>Tax Law Glossary .....</b>	246
<b>Glossar Steuerrecht .....</b>	254
<b>VI.A Accounting in the United States (Birgit Baumgartner and Otto Nowotny) .....</b>	261
1. Financial Statements .....	261
2. Accounting Standards .....	261
3. Statement of Financial Position .....	262
3.1 Intangible assets .....	262
3.2 Property, plant and equipment.....	262
3.3 Impairment of non-financial assets.....	262
3.4 Investments .....	263
3.5 Financial instruments.....	263
3.6 Capital leases .....	264
3.7 Accounts receivable.....	264
3.8 Inventories and work in progress.....	265
3.9 Equity.....	265
3.10 Liabilities .....	265
3.11 Provisions .....	265
3.12 Related party transactions .....	266
4. Income Statement .....	266
4.1 Revenue recognition .....	266
4.2 Research and development.....	266

4.3 Extraordinary items .....	266
4.4 Discontinued operations.....	267
4.5 Prior period adjustments.....	267
4.6 Changes in accounting principles.....	267
4.7 Income taxes .....	267
4.8 Earnings per share.....	267
4.9 Foreign currency translation.....	268
4.10 Segment reporting .....	268
4.11 Subsequent events .....	268
 <b>VI.B Accounting in the United Kingdom (Birgit Baumgartner and Otto Nowotny).....</b>	 270
1. Financial Statements .....	270
2. Accounting Standards .....	270
3. Balance Sheet.....	271
3.1 Intangible assets .....	271
3.2 Property, plant and equipment.....	271
3.3 Investments .....	271
3.4 Capital leases .....	272
3.5 Accounts receivable.....	272
3.6 Inventories and work in progress.....	272
3.7 Equity.....	272
3.8 Liabilities .....	273
3.9 Provisions .....	273
3.10 Related party transactions .....	273
4. Profit and Loss Account .....	273
4.1 Revenue recognition .....	273
4.2 Research and development.....	274
4.3 Extraordinary items .....	274
4.4 Discontinued operations.....	274
4.5 Prior period adjustments.....	274
4.6 Changes in accounting principles.....	274
4.7 Income taxes .....	274
4.8 Earnings per share.....	274
4.9 Foreign currency translation.....	275
4.10 Segmental reporting.....	275
4.11 Subsequent events.....	275
 <b>VI.C German GAAP (revised) (Birgit Baumgartner and Otto Nowotny).....</b>	 276
1. Financial Statements .....	276
2. Accounting Standards .....	276
3. Balance Sheet.....	277
3.1 Intangible assets .....	277
3.2 Property, plant and equipment.....	277
3.3 Investments .....	277
3.4 Financial instruments.....	278
3.5 Capital leases .....	279
3.6 Accounts receivable.....	279
3.7 Inventories and work in progress.....	279
3.8 Equity.....	280
3.9 Liabilities .....	280

3.10 Provisions .....	280
3.11 Related party transactions .....	280
<b>4. Income Statement .....</b>	<b>281</b>
4.1 Revenue recognition .....	281
4.2 Research and development.....	281
4.3 Extraordinary items .....	281
4.4 Discontinued operations.....	281
4.5 Prior period adjustments.....	281
4.6 Changes in accounting principles.....	282
4.7 Income taxes .....	282
4.8 Earnings per share.....	282
4.9 Foreign currency translation.....	282
4.10 Segment reporting .....	283
4.11 Subsequent events.....	283
<b>VI.D Accounting in Austria (<i>Birgit Baumgartner and Otto Nowotny</i>) .....</b>	<b>284</b>
1. Financial Statements .....	284
2. Accounting Standards .....	284
3. Balance Sheet .....	285
3.1 Intangible assets .....	285
3.2 Property, plant and equipment.....	285
3.3 Investments .....	285
3.4 Capital leases .....	285
3.5 Accounts receivable.....	285
3.6 Inventories and work in progress.....	286
3.7 Equity.....	286
3.8 Liabilities .....	286
3.9 Provisions .....	286
3.10 Related party transactions .....	287
4. Income Statement .....	287
4.1 Revenue recognition .....	287
4.2 Research and development.....	287
4.3 Extraordinary items .....	287
4.4 Discontinued operations.....	287
4.5 Prior period adjustments.....	287
4.6 Changes in accounting principles.....	288
4.7 Income taxes .....	288
4.8 Earnings per share.....	288
4.9 Foreign currency translation.....	288
4.10 Segment information .....	288
4.11 Subsequent events.....	288
<b>VI.E IFRS (<i>Birgit Baumgartner and Otto Nowotny</i>) .....</b>	<b>289</b>
1. Financial Statements .....	289
2. Accounting Standards .....	289
3. Statement of Financial Position .....	290
3.1 Intangible assets .....	290
3.2 Property, plant and equipment.....	290
3.3 Investments .....	291
3.4 Financial instruments.....	291
3.5 Capital leases .....	292

3.6 Accounts receivable.....	292
3.7 Inventories and work in progress.....	292
3.8 Equity.....	293
3.9 Liabilities.....	293
3.10 Provisions .....	293
3.11 Related party transactions .....	293
4. Income Statement.....	293
4.1 Revenue recognition .....	294
4.2 Research and development.....	295
4.3 Extraordinary items .....	295
4.4 Discontinued operations.....	295
4.5 Prior period adjustments.....	295
4.6 Changes in accounting principles.....	295
4.7 Income taxes .....	296
4.8 Earnings per share.....	296
4.9 Foreign currency translation.....	297
4.10 Segment reporting .....	297
4.11 Subsequent events.....	297
<b>VI.F Balance Sheet and Income Statement .....</b>	<b>298</b>
1. US GAAP .....	298
1.1 Statement of financial position (Rule 5-02).....	298
1.2 Income Statement (Codification Topic 225, Rule 5-03).....	299
2. UK GAAP .....	300
2.1 Statement of financial position.....	300
2.2 Income Statement.....	301
3. German GAAP (revised) and Austrian GAAP .....	303
3.1. Statement of financial position.....	303
3.2 Income Statement.....	305
3.2.1 Expenditure (total cost) format .....	305
3.2.2 Operational (cost of sales) format.....	306
4. IFRS .....	307
4.1 Statement of financial position.....	307
4.2 Income Statement.....	309
<b>Accounting Glossary.....</b>	<b>311</b>
<b>Glossar Rechnungswesen.....</b>	<b>318</b>
<b>VII.A Intellectual Property Law in the United States (<i>Craig N. Johnson and Jack M. Tanner</i>) ...</b>	<b>325</b>
1. Patent Law .....	325
1.1 Applying for and receiving a patent.....	325
1.2 Rights upon issuance .....	326
1.3 Enforcement of patent rights .....	327
1.3.1 Patent litigation.....	327
1.3.2 Remedies.....	327
1.3.3 Defenses.....	327
2. Copyright Law.....	328
2.1 What is protected under the Copyright Act? .....	328
2.2 The registration process.....	328
2.3 Ownership of copyrighted works .....	329

2.4 Rights protected under the Copyright Act .....	329
2.5 Duration of copyright protection .....	329
2.6 Copyright infringement .....	329
2.6.1 The 'fair use' defense .....	330
2.6.2 Remedies for copyright infringement .....	330
3. Trademark Law .....	331
3.1 Definition of 'trademark' .....	331
3.1.1 The 'distinctiveness' requirement .....	331
3.2 Trademark registration .....	331
3.2.1 Principal Register versus Supplemental Register .....	332
3.3 Priority of rights .....	332
3.4 Trademark infringement .....	332
3.5 Trademark dilution .....	333
3.6 Remedies .....	333
3.7 Anti-cybersquatting provisions .....	333
4. Trade Secrets Law .....	333
4.1 What is a 'trade secret'? .....	334
4.2 The 'secrecy' requirement .....	334
4.3 Misappropriation of trade secrets .....	334
4.3.1 Remedies for misappropriation .....	335
<b>VII.B Intellectual Property Law in the United Kingdom</b> <i>(Rebecca Chant and Rachel Manners)</i> .....	336
1. Copyright .....	336
1.1 Overview .....	336
1.2 Duration of copyright .....	337
1.3 Authorship .....	338
1.4 Ownership .....	339
1.5 Permitted Acts .....	340
1.5.1 Fair Dealing .....	340
1.5.2 Temporary Copies .....	340
1.5.3 Parliamentary and judicial proceedings .....	340
1.5.4 Unknown or deceased authors .....	340
1.5.5 Defences .....	340
1.6 Restricted Acts .....	341
1.6.1 Copying .....	341
1.6.2 Reproduction .....	342
1.6.3 Computer Programs .....	342
1.6.4 Copying Computer Programs .....	342
1.6.5 Implied Licence to Use .....	343
1.6.6 Source References .....	343
1.6.7 Substantial Part of the Work .....	343
1.6.8 Issuing copies to the public .....	343
1.6.9 Renting or lending of works to the public .....	344
1.6.10 Performing, showing or playing a work in public .....	344
1.6.11 Communicating to the public by electronic transmission .....	344
1.6.12 Making of an adaptation .....	344
1.6.13 Authorising infringements .....	345
1.7 Civil Actions And Remedies .....	345
1.7.1 Injunctions .....	345
1.7.2 Damages .....	345

1.8 Criminal Offences .....	345
2. Patents .....	346
2.1 Overview .....	346
2.2 Reasons For Patent Protection.....	347
2.3 Ownership .....	347
2.4 Patentable Inventions.....	348
2.4.1 Novelty .....	348
2.4.2 Inventive Step .....	348
2.4.3 Industrial Application .....	348
2.4.4 Specific Exclusions .....	348
2.5 Relief Available For Infringement .....	349
3. Trade Marks.....	350
3.1 Overview .....	350
3.2 Requirements for Registration .....	350
3.2.1 Absolute Grounds for Refusal.....	350
3.2.2 Relative Grounds for Refusal.....	351
3.3 Infringement.....	352
3.4 Surrender, Revocation, Invalidity, Alteration and Rectification.....	353
3.5 Assignment and Licensing .....	353
<b>VII.C Intellectual Property Law in Germany (<i>Stephan Bahner</i>) .....</b>	<b>355</b>
1. Introduction .....	355
2. Patents and Utility Models .....	355
2.1 General .....	355
2.2 Requirements for protection .....	356
2.2.1 Substantive requirements.....	356
2.2.2 Procedural requirements.....	357
2.3 Ownership.....	357
2.4 Application proceedings, duration .....	357
2.4.1 Patent.....	357
2.4.2 Utility model.....	358
2.5 Infringement of patents or utility models.....	358
2.5.1 Patents .....	358
2.5.2 Utility models .....	358
3. Design Models.....	359
3.1 General.....	359
3.2 Requirements for protection .....	359
3.3 Ownership.....	359
3.4 Application process, duration.....	359
3.5 Rights arising from design models .....	360
4. Trade Marks.....	360
4.1 General.....	360
4.2 Requirements for protection .....	361
4.3 Registration process .....	361
4.4 Trade mark infringements.....	362
5. Copyright and Neighbouring Rights.....	363
5.1 General.....	363
5.2 Requirements for protection .....	363
5.3 Rights arising from copyrights .....	364
5.4 Neighbouring rights.....	364
6. Remedies .....	364

7. Licensing .....	365
8. Unfair Competition .....	365
8.1 Examples of unfair commercial practices according to Sec. 4 UWG .....	366
8.2 Misleading commercial practices.....	367
8.3 Comparative advertising .....	367
8.4 Unacceptable pestering .....	368
8.5 Remedies .....	368
<b>VII.D Intellectual Property Law in Austria (Zuzana Nötstaller).....</b>	<b>370</b>
1. Trade Marks.....	370
1.1 Signs.....	371
1.2 Trade mark registration.....	371
1.3 Trade mark rights.....	372
1.4 Enforcement of trade mark rights .....	374
1.4.1 Invalidation.....	374
1.4.2 Civil claims .....	374
2. Patents .....	375
2.1 Requirements for protection .....	375
2.2 Registration .....	376
2.3 Opposition proceedings.....	377
2.4 Nature and scope of protection .....	377
2.5 Employees' inventions.....	378
2.6 Patent claims and their enforcement .....	379
2.7 Invalidation .....	379
2.8 Revocation.....	380
3. Utility Models.....	380
4. Design .....	380
5. Copyrights.....	381
5.1 Scope of protection .....	381
5.2 Enforcement.....	382
6. Competition Law.....	382
6.1 Protection against counterfeiting.....	382
6.2 Protection of trade names .....	383
<b>Intellectual Property Law Glossary.....</b>	<b>384</b>
<b>Glossar Immaterialgüterrecht .....</b>	<b>395</b>
<b>Stichwortverzeichnis.....</b>	<b>403</b>