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Adopting a highly practical approach, Remedies is designed to help trainee barristers to identify and choose appropriate remedial relief, and calculate damages where necessary. Offering full coverage of the general principles underpinning remedies in both contract and tort, the book also provides coverage of the specific remedies which are available in various areas of the law including judicial review, trusts, unlawful discrimination, and EC remedies ensuring that junior barristers are fully prepared for practice. Realistic problems and worked examples feature throughout, encouraging students to apply the relevant law and practise choosing the remedy which will best serve their client's objective. Remedies is essential reading for all trainee barristers, and is also a useful source of reference for junior practitioners wishing to refresh or refine their skills in this area. Online Resource Centre: An additional chapter on remedies relating to real property is available online.

As merger transactions become more complex, so do the remedies involved. This book seeks to identify and examine the most important aspects of merger remedies, which have emerged and evolved in the European Commission's policy and practice over the past 20 years. The in-depth analysis of applicable provisions and guidelines is structured in accordance with a typical 'remedies lifecycle': the negotiation, submission, assessment, adoption, implementation and enforcement of remedies. Furthermore, numerous conditional clearance decisions and judgments as well as studies and legal literature on the subject are described and put into a coherent analytical framework with the aim of providing as much nuance as possible in the evaluation of the Commission's past and present remedies policy and practice. While the Commission indisputably has accomplished numerous successes in its remedies enforcement over the years, it has also encountered some significant obstacles and shortcomings along the way. To this effect, the final chapter in the book critically assesses whether the current framework, which has remained unchanged since 2008, continues to provide an adequate regulatory response to today's remedies issues and challenges. Where adjustments and improvements are deemed desirable or necessary, possible measures are considered.

Remedies in Construction Law brings together various well-established strands of the law and considers practical remedies for breach of contract and tort in connection with construction projects. Now in a fully updated second edition, it covers topics such as: Damages Termination Quantum Meruit Recovery Injunctions Limitation ADR This book continues to be a vital reference to lawyers and construction professionals seeking specialist insight into how remedies function in the construction sector.

The increasing number of executive tasks assigned to EU institutions and agencies has resulted in a greater demand for justice that can no longer be satisfied by the courts alone. This has led to the development of a wide range of administrative remedies that have become a central part of the EU administrative justice system. This book examines the important theoretical and practical issues raised by this phenomenon. The work focuses on five administrative remedies: internal review; administrative appeals to the Commission against decisions of executive and decentralised agencies; independent administrative review of decisions of decentralised agencies; complaints to the EU Ombudsman; and complaints to the EU Data Protection Supervisor. The research rests on the idea that there is a complex, and at times ambivalent, relationship between administrative remedies and the varying degrees of autonomy of EU institutions and bodies, offices and agencies. The work draws on legislation, internal rules of executive bodies, administrative practices and specific case law, data and statistics. This empirical approach helps to unveil the true dynamics present within these procedures and demonstrates that whilst administrative remedies may improve the relationship between individuals and the EU administration, their interplay with administrative autonomy might lead to a risk of fragmentation and incoherence in the EU administrative justice system.

An innovative book that provides fresh insights into the neglected field of remedies in both international and domestic human rights law. Providing an overarching two-track theory, it combines remedies to compensate and prevent irreparable harm to litigants with a more dialogic approach to systemic remedies. It breaks new ground by demonstrating how proportionality principles can improve remedial decision-making and avoid reliance on either strong discretion or inflexible rules. It draws on the latest jurisprudence from the European and Inter-American Courts of Human Rights and domestic courts in Australia, Canada, India, New Zealand, Hong Kong, South Africa, the United Kingdom and the United States. Separate chapters are devoted to interim remedies, remedies for laws that violate human rights, damages, remedies in the criminal process, declarations and injunctions in institutional cases, remedies for violations of social and economic rights and remedies for violations of Indigenous rights.

The word 'ethical' can be defined as proper conduct. A failure of forensic scientists to act ethically can result in serious adverse outcomes. However, while seemingly simple to define, the application of being "ethical" is somewhat more obscure. That is, when is ethical, ethical, and when is it not? Because we have an adversarial legal system, differences of opinion exist in forensic science. However, there are instances when differences are so divergent that an individual's ethics are called into question. In light of not only the O.J. Simpson trial - the first national trial to question the ethical behavior of forensic scientists - and the National Academy of Science critique of forensic science, ethical issues have come to the forefront of concern within the forensic community.

Nations throughout the world receive more patent applications, grant more patents, and entertain more patent infringement lawsuits than ever before. To understand the contemporary patent system, it is crucial to become familiar with how courts and other actors in different countries enable patent owners to enforce their rights. This is increasingly important, not only for firms that seek to market their products worldwide and for the lawyers who provide them with counsel, but also for scholars and policymakers working to develop better policies for promoting the innovation that drives long-term economic growth. Comparative Patent Remedies provides a critical and comparative analysis of patent enforcement in the United States and other major patent systems, including the European Union, Japan, Canada, Australia, China, South Korea, Taiwan, and India. Thomas Cotter shows how different countries respond to similar issues, and suggests how economic analysis can assist in adapting current practice to the needs of the modern world. Among the topics addressed are: how courts in various nations award monetary compensation for patent infringement, including lost profits, infringer's profits, and reasonable royalties; the conditions under which patent owners may obtain preliminary and permanent injunctions, including cross-border injunctions in the European Union; the availability of various options for potential defendants to challenge patent validity; and other matters, such as the availability of criminal enforcement and border measures to exclude infringing goods.

Brussels I Recast (Regulation No 1215/2012 on the recognition and enforcement of judgments in civil and commercial matters) is intended to simplify and expedite cross-border enforcement of debts. However, some existing issues remain unresolved, and new ones have already been identi?ed since the Regulation entered into force in 2015. This collection of expert essays, the ?rst book to focus systematically and comprehensively on the area of remedies in the light of Brussels I Recast, offers detailed analyses of inherent problems and includes practical hypothetical cases illustrating major issues and how they may be resolved. The aspects covered by the contributors – all well-known academics, lawyers, and judges from different EU Member States – include the following: – grounds for refusal of recognition and enforcement; – certi?cation of enforceability and timely service of the certi?cate; – adaptation of enforcement measures that are determined in the judgment but are not known in the Member State of enforcement; – effect of requesting a translation of the judgment; – ?nancial implications of remedies, and – provisional measures and their role in a timely protection of rights. Because the success of Brussels I Recast depends on a very unpredictable implementation into national systems, the extent to which national barriers represent obstacles to fair and e?cient judicial protection is thoroughly examined. A very useful concluding chapter presents practical cases highlighting the most important, as well as problematic, issues concerning enforcement of foreign judgments. The in-depth analyses conducted by the contributors clearly de?ne serious obstacles and propose solutions that will lead to better implementation of Brussels I Recast, better protection of party's rights, and further harmonisation in this ?eld of civil justice. This book is sure to be of exceptional value to counsel for multinational enterprises, EU and Member State legislators, enforcement agencies, and academics worldwide.