

# Unjustified Enrichment Key Issues In Comparative Perspective

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## Unjustified Enrichment Key Issues In

Unjustified enrichment has been one of the most intellectually vital areas of private law. There is, however, still no unanimity among civil-law and common-law legal systems about how to structure this important branch of the law of obligations. Several key issues are considered comparatively in this 2002 book, including grounds for recovery of enrichment, defences, third-party enrichment, as ...

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Unjustified enrichment is an intellectually vital area of private law. This book analyses a range of key issues in a comparative context, considered both by a representative of a common-law and of a civil-law system, illuminating similarities or differences between systems, and what different systems can learn from each other.

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## **Unjustified Enrichment Key Issues In Comparative Perspective**

A key issue is whether claims can be pursued on the basis of unjustified enrichment when other legal remedies are available to a party. Parties and the courts have wrestled with this question since the 1970s with some judges strongly agreeing that all other remedies must take precedence over unjustified enrichment, while others thought it a matter of circumstance for each case.

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Unjust enrichment is a term used to describe a situation wherein one party benefits at the other party's expense, in a situation the law considers to be unjust. Unjust enrichment is usually used to describe benefits that are received either accidentally or in error, but which have not been earned, and ethically should not be kept.

## **Unjust Enrichment - Definition, Examples, Cases, Processes**

INTRODUCTION : #1 Unjustified Enrichment Key Issues In Publish By James Michener, Unjustified Enrichment Key Issues In Comparative unjustified enrichment has been one of the most intellectually vital areas of private law there is however still no unanimity among civil law and common law legal systems about how to structure this

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6 Unjust Enrichment 1. The theoretical challenge "A person who has been unjustly enriched at the expense of another is required to make restitution to the other." 1 In the past few decades, this principle of liability has recently become as firmly established in the common law jurisdictions as it has long been among civil law systems. Being a relatively new basis of liability, unjust ...

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Several key issues are considered comparatively in this 2002 book, including grounds for recovery of enrichment, defences, third-party enrichment, as well as proprietary and taxonomic questions. Two contributors deal with each topic, one a representative of a common-law system, the other a representative of a civil-law or mixed system.

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## **Unjustified Enrichment : David Johnston : 9780521187442**

This chapter examines unjust enrichment within the context of intellectual property laws in Israel. It begins with an overview of the definition and applicability of unjust enrichment before proceeding with a discussion of the relationship between unjust enrichment and intellectual property rights. In particular, it analyzes the A.Sh.I.R. case and the Israeli Supreme Court ruling

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in the case.

## **Unjust Enrichment - Oxford Scholarship**

Unjustified Enrichment: Key Issues in Comparative Perspective (2002), 627, 654. 2 . exercise of legal discretion on unspecified grounds that vary according to one's personal sense of justice. 6. How, then, can the unjustness of the enrichment be conceptualized in a juridically disciplined manner?

## **UNJUST ENRICHMENT Ernest J Weinrib\* 1. The Theoretical**

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