

Content

Foreword	8
PART I QUESTIONS	9
THE PRACTITIONERS' GUIDE TO APPLIED COMPARATIVE LAW AND LANGUAGE VOLUME NO. 1 CIVIL LAW & BUSINESS LAW	10
I. Vertragsrecht – Contract Law.....	10
I.A. Contract Law in the United States.....	10
I.B. Contract Law in the United Kingdom	12
I.C. Contract Law in Germany.....	14
I.D. Contract Law in Austria	16
II. Gesellschaftsrecht – Company/Corporate Law.....	18
II.A. Business Entities in the United States	18
II.B. Company Law in the United Kingdom.....	20
II.C. The Law of Business Organisations in Germany.....	22
II.D. The Law of Business Organisations in Austria	24
III. Handels- und Unternehmensrecht – Commercial Law	26
III.A. Commercial Contract Law in the United States	26
III.B. Commercial Law in the United Kingdom.....	28
III.C. Commercial Law in Germany	30
III.D. Business Law in Austria	32
IV. Deliktisches Schadenersatzrecht – Tort Law	34
IV.A. Tort Law in the United States	34
IV.B. Tort Law in the United Kingdom	36
IV.C. Tort Law in Germany	38
IV.D. The Law of Damages in Austria	40
V. Liegenschaftsrecht – Real Estate Law	42
V.A. A Typical Real Estate Purchase Transaction in the United States	42
V.B. Real Property Law in England and Wales	44
V.C. Land Law in Germany	46
V.D. Real Estate Law in Austria	48
VI. Arbeitsrecht – Labo(u)r Law	50
VI.A. Employment Law in the United States	50
VI.B. Employment Law in the United Kingdom.....	52
VI.C. Labour Law in Germany.....	54
VI.D. Labor Law in Austria	56
VII. Familienrecht – Family Law	58
VII.A. Family Law in the United States	58
VII.B. Family Law in England and Wales.....	60
VII.C. Family Law in Germany	61

VII.D.	Family Law in Austria.....	63
VIII.	Erbrecht – Law of Succession	65
VIII.A.	The Law of Succession in the United States	65
VIII.B.	English Law of Succession and Inheritance Tax.....	67
VIII.C.	The Law of Succession in Germany	69
VIII.D.	The Law of Succession in Austria.....	70
IX.	Zivilprozessrecht – Civil Procedure Law	72
IX.A.	Civil Litigation in the United States	72
IX.B.	Civil Litigation in England and Wales.....	74
IX.C.	Civil Procedure Law in Germany.....	76
IX.D.	Civil Procedure Law in Austria	78
X.	Schiedsgerichtsbarkeit – Arbitration	80
X.A.	Introduction to Arbitration under the US System with an introduction to AAA Arbitration	80
X.B.	An Introduction to Arbitration in England and Wales.....	82
X.C.	Arbitration in Germany	84
X.D.	Arbitration in Austria.....	86
THE PRACTITIONERS' GUIDE TO APPLIED COMPARATIVE LAW AND LANGUAGE VOLUME NO. 2 PUBLIC LAW & RELATED FIELDS OF LAW.....		88
XI.	Verfassungsrecht – Constitutional Law	88
XI.A.	Constitutional Law in the United States.....	88
XI.B.	The British Constitution.....	90
XI.C.	German Constitutional Law	92
XI.D.	The Constitution of Austria	94
XII.	Verwaltungsrecht – Administrative Law	96
XII.A.	Administrative Law in the United States	96
XII.B.	Introduction to Administrative Law in England and Wales.....	98
XII.C.	German Administrative Law	100
XII.D.	Administrative Law in Austria.....	102
XIII.	Strafrecht – Criminal Law	104
XIII.A.	Criminal Law in the United States	104
XIII.B.	English Criminal Law.....	106
XIII.C.	Criminal Law in Germany	108
XIII.D.	An Outline of Austrian Criminal Law	109
XIV.	Strafprozessrecht – Criminal Procedure Law	111
XIV.A.	Criminal Procedure in the United States.....	111
XIV.B.	Criminal Procedure in England and Wales	113
XIV.C.	Criminal Procedure Law in Germany.....	115
XIV.D.	An Outline of Austrian Criminal Procedure	117
XV.	Kartellrecht – Antitrust/Cartel Law	118

XV.A.	Antitrust Law in the United States	118
XV.B.	Competition Law in the United Kingdom	119
XV.C.	Antitrust Law in Germany.....	121
XV.D.	Antitrust Law in Austria	123
XVI.	Immaterialgüterrecht – Intellectual Property Law	125
XVI.A.	Intellectual Property Law in the United States	125
XVI.B.	Intellectual Property Law in the United Kingdom	127
XVI.C.	Intellectual Property Law in Germany.....	129
XVI.D.	Intellectual Property Law in Austria	131
XVII.	Steuerrecht – Tax Law	133
XVII.A.	Tax Law in the United States	133
XVII.B.	Tax Law in the United Kingdom.....	135
XVII.C.	Tax Law in Germany	137
XVII.D.	Tax Law in Austria.....	139
XVIII.	Insolvenzrecht – Insolvency Law	141
XVIII.A.	Insolvency Proceedings in the United States	141
XVIII.B.	Insolvency Law in the United Kingdom	143
XVIII.C.	German Insolvency Law.....	145
XVIII.D.	Insolvency Law in Austria	146
XIX.	Versicherungsrecht – Insurance Law.....	148
XIX.A.	Insurance Law in the United States.....	148
XIX.B.	Insurance Law in England and Wales	150
XIX.C.	Insurance Law in Germany	152
XIX.D.	Insurance Law in Austria	154
PART II	ANSWERS	156
THE PRACTITIONERS' GUIDE TO APPLIED COMPARATIVE LAW AND LANGUAGE VOLUME NO. 1 CIVIL LAW & BUSINESS LAW 157		
I.	Vertragsrecht – Contract Law.....	157
I.A.	Contract Law in the United States.....	157
I.B.	Contract Law in the United Kingdom	159
I.C.	Contract Law in Germany.....	161
I.D.	Contract Law in Austria	163
II.	Gesellschaftsrecht – Company/Corporate Law	165
II.A.	Business Entities in the United States	165
II.B.	Company Law in the United Kingdom	167
II.C.	The Law of Business Organisations in Germany.....	169
II.D.	The Law of Business Organisations in Austria	171
III.	Handels- und Unternehmensrecht – Commercial Law	173
III.A.	Commercial Contract Law in the United States	173

III.B.	Commercial Law in the United Kingdom.....	175
III.C.	Commercial Law in Germany	178
III.D.	Business Law in Austria	180
IV.	Deliktisches Schadenersatzrecht – Tort Law	182
IV.A.	Tort Law in the United States.....	182
IV.B.	Tort Law in the United Kingdom	184
IV.C.	Tort Law in Germany	186
IV.D.	The Law of Damages in Austria	188
V.	Liegenschaftsrecht – Real Estate Law	190
V.A.	A Typical Real Estate Purchase Transaction in the United States	190
V.B.	Real Property Law in England and Wales	192
V.C.	Land Law in Germany	194
V.D.	Real Estate Law in Austria	196
VI.	Arbeitsrecht – Labo(u)r Law	198
VI.A.	Employment Law in the United States	198
VI.B.	Employment Law in the United Kingdom.....	200
VI.C.	Labour Law in Germany.....	202
VI.D.	Labor Law in Austria	204
VII.	Familienrecht – Family Law	206
VII.A.	Family Law in the United States	206
VII.B.	Family Law in England and Wales.....	208
VII.C.	Family Law in Germany	210
VII.D.	Family Law in Austria.....	212
VIII.	Erbrecht – Law of Succession	214
VIII.A.	The Law of Succession in the United States	214
VIII.B.	English Law of Succession and Inheritance Tax.....	216
VIII.C.	The Law of Succession in Germany	218
VIII.D.	The Law of Succession in Austria.....	220
IX.	Zivilprozessrecht – Civil Procedure Law	222
IX.A.	Civil Litigation in the United States	222
IX.B.	Civil Litigation in England and Wales.....	224
IX.C.	Civil Procedure Law in Germany.....	226
IX.D.	Civil Procedure Law in Austria	228
X.	Schiedsgerichtsbarkeit – Arbitration.....	230
X.A.	Introduction to Arbitration under the US System with an introduction to AAA Arbitration 230	
X.B.	An Introduction to Arbitration in England and Wales.....	232
X.C.	Arbitration in Germany	234
X.D.	Arbitration in Austria.....	236

THE PRACTITIONERS' GUIDE TO APPLIED COMPARATIVE LAW AND LANGUAGE VOLUME NO. 2 PUBLIC LAW & RELATED FIELDS OF LAW.....	238
XI. Verfassungsrecht – Constitutional Law	238
XI.A. Constitutional Law in the United States.....	238
XI.B. The British Constitution.....	240
XI.C. German Constitutional Law.....	242
XI.D. The Constitution of Austria	244
XII. Verwaltungsrecht – Administrative Law	246
XII.A. Administrative Law in the United States	246
XII.B. Introduction to Administrative Law in England and Wales.....	248
XII.C. German Administrative Law	250
XII.D. Administrative Law in Austria.....	251
XIII. Strafrecht – Criminal Law	253
XIII.A. Criminal Law in the United States	253
XIII.B. English Criminal Law.....	255
XIII.C. Criminal Law in Germany	256
XIII.D. An Outline of Austrian Criminal Law	258
XIV. Strafprozessrecht – Criminal Procedure Law	260
XIV.A. Criminal Procedure in the United States.....	260
XIV.B. Criminal Procedure in England and Wales	262
XIV.C. Criminal Procedure Law in Germany.....	264
XIV.D. An Outline of Austrian Criminal Procedure.....	266
XV. Kartellrecht – Antitrust/Cartel Law	267
XV.A. Antitrust Law in the United States	267
XV.B. Competition Law in the United Kingdom	269
XV.C. Antitrust Law in Germany.....	271
XV.D. Antitrust Law in Austria	273
XVI. Immaterialgüterrecht – Intellectual Property Law.....	275
XVI.A. Intellectual Property Law in the United States	275
XVI.B. Intellectual Property Law in the United Kingdom	277
XVI.C. Intellectual Property Law in Germany.....	279
XVI.D. Intellectual Property Law in Austria	281
XVII. Steuerrecht – Tax Law	283
XVII.A. Tax Law in the United States	283
XVII.B. Tax Law in the United Kingdom.....	285
XVII.C. Tax Law in Germany	287
XVII.D. Tax Law in Austria.....	288
XVIII. Insolvenzrecht – Insolvency Law	290
XVIII.A. Insolvency Proceedings in the United States	290

XVIII.B.	Insolvency Law in the United Kingdom	292
XVIII.C.	German Insolvency Law.....	294
XVIII.D.	Insolvency Law in Austria	296
XIX.	Versicherungsrecht – Insurance Law.....	298
XIX.A.	Insurance Law in the United States.....	298
XIX.B.	Insurance Law in England and Wales	300
XIX.C.	Insurance Law in Germany	302
XIX.D.	Insurance Law in Austria	304