FALL 2016 – Title Selection

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Rulemaking in Air Transport
A Deconstructive Analysis

This book embarks on a discussion of rulemaking in air transport, its processes and legalities, starting with a deconstruction of work carried out at the time of writing in various fields of air transport by the International Civil Aviation Organization (ICAO) which should be at the apex of rulemaking. This initial discussion, which demonstrates the weakness of rulemaking in the air transport field for lack of direction, purpose and structure in the development of authoritative rules and regulations that should serve as compelling directives from the main organization responsible for aviation, leads to an evaluation of the fundamental principles of rulemaking in ICAO, the Federal[...]

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ISBN 978-3-319-44656-1
Erscheinungstermin: October 16, 2016

Arbitration and Contract Law
Common Law Perspectives

This book deals with the contractual platform for arbitration and the application of contractual norms to the parties’ dispute. Arbitration and agreement are inter-linked in three respects: (i) the agreement to arbitrate is itself a contract; (ii) there is scope (subject to clear consensual exclusion) in England for monitoring the arbitral tribunal’s fidelity and accuracy in applying substantive English contract law; (iii) the subject-matter of the arbitration is nearly always a ‘contractual’ matter. These three elements underlie this work. They appear as Part I (arbitration is founded on agreement), Part II (monitoring accuracy), Part III (synopsis of the English contractual rules[...]

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ISBN 978-3-319-27142-2
Gewöhnlich versandfertig in 3-5 Werktagen.

The Right to Silence in Transnational Criminal Proceedings
Comparative Law Perspectives

This book considers the effectiveness and fairness of using international cooperation to obtain confession evidence or evidence of a suspect or accused person’s silence across borders. This is a question of balance in limiting and protecting the right to silence. The functioning of the applicable law in Denmark, England and Wales and Australia is analysed in relation to investigative and trial measures such as police questioning, administrative questioning powers, covert surveillance and the use of silence as evidence of guilt. On the national level, this work examines the way in which domestic rules balance the right to silence in national criminal proceedings, and whether[...]

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Erscheinungstermin: August 17, 2016
Virtuality and Capabilities in a World of Ambient Intelligence
New Challenges to Privacy and Data Protection

This book is about power and freedoms in our technological world and has two main objectives. The first is to demonstrate that a theoretical exploration of the algorithmic governmental hypothesis combined with the capability approach is useful for a better understanding of power and freedoms in Ambient Intelligence, a world where information and communication technologies are invisible, interconnected, context aware, personalized, adaptive to humans and act autonomously. The second is to argue that these theories are useful for a better comprehension of privacy and data protection concepts and the evolution of their regulation. Having these objectives in mind, the book outlines a [...] More on www.springer.com/978-3-319-39197-7

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Erscheinstermin: July 28, 2016

Confidentiality in Arbitration
The Case of Egypt

This book addresses the issue of privacy and confidentiality in the broader context of the Egyptian legal system. The volume opens with an overview of the major approaches to confidentiality adopted in various jurisdictions. It goes on to examine the duties of confidentiality and privacy in arbitration law and practice on the basis of interviews with 30 law professors and practitioners who often act as arbitrators or counsel for parties in arbitral disputes together with the relevant Egyptian arbitration law provisions. The book takes into account the relevant provisions in the arbitration laws of Syria, Saudi Arabia and Yemen. It moves on to explore the relation between arbitration [...] More on www.springer.com/978-3-319-39121-2

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Justice for Victims of Crime
Human Dignity as the Foundation of Criminal Justice in Europe

This book analyses the rights of crime victims within a human rights paradigm, and describes the inconsistencies resulting from attempts to introduce the procedural rights of victims within a criminal justice system that views crime as a matter between the state and the offender, and not as one involving the victim. To remedy this problem, the book calls for abandoning the concept of crime as an infringement of a state’s criminal laws and instead reinterpreting it as a violation of human rights. The state’s right to punish the offender would then be replaced by the rights of victims to see those responsible for violating their human rights convicted and punished and by the rights of […] More on www.springer.com/978-3-319-45046-9

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Erscheinstermin: October 28, 2016

Twin Peaks for Europe: State-of-the-Art Financial Supervisory Consolidation
Rethinking the Group Support Regime Under Solvency II

The book addresses the truly interdisciplinary and highly controversial subject of international financial regulation and supervision, which has been at the center of academic, political, and public attention since the start of the current economic and financial crisis. Drawing on international financial regulatory and supervisory experience and in line with the European Monetary Union’s gradual transformation into a Genuine Economic and Monetary Union, it proposes the transformation of the European financial supervisory framework into a hybrid twin-peaks model to create the previously missing necessary legal foundation for the adoption of the so-called Group Support Regime (GSR). The [...] More on www.springer.com/978-3-319-30706-0

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that different normative instruments coexist in an un-ordered space, and that meaning can be produced by the free interaction of those instruments around a problem. Based on this, the book advances its normative plurality hypothesis, which states that decision-makers must survey the acquis of international law in order to identify all the instruments containing relevant normative...

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Erscheinungstermin: October 11, 2016

Forthcoming
O. Hamuľák

National Sovereignty in the European Union
View from the Czech Perspective

This volume assesses the implications of membership in the European Union for countries’ understanding of the concept of sovereignty, based on the perspective of the Czech Republic. The starting point of this work is acceptance of the Czech Republic’s membership in the European Union as a basic fact. The goal of the analysis presented here is to offer a theoretical approach to reconciling state sovereignty with this work is acceptance of the Czech Republic’s membership in the European Union as a basic fact. The goal of the analysis presented here is to offer a theoretical approach to reconciling state sovereignty with the participation of the Czech Republic in the European integration project. To do so, the book pursues an in-depth analysis of the reactions of the Constitutional Court of the Czech Republic to the challenges associated with membership in the EU. Above all, it addresses the[...]

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Erscheinungstermin: October 22, 2016

Towards Reforming the Legal Framework for Secured Transactions in Nigeria
Perspectives from the United States and Canada

This book offers a valuable guide to one of the most challenging areas of commercial law, now frequently referred to as secured transactions, with a focus on Nigerian, Canadian and United States perspectives. A debtor’s ability to provide collateral influences not only the cost of the money borrowed, but also in many cases, whether secured lenders are willing to offer credit at all. The book proposes that increasing access to, and indeed, lowering the cost of credit could tremendously boost economic development, while at the same time arguing that this would best be achieved if the legal framework for secured transactions in Nigeria, and of course, any other country with similar[...]

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Erscheinungstermin: August 31, 2016

Regulating Human Embryonic Stem Cell in China
A Comparative Study on Human Embryonic Stem Cell’s Patentability and Morality in US and EU

The general scope of the book is the patentability and morality of human embryonic stem cell research in US, EU and China. The book observes fraudsters operate unsafe human embryonic stem cell therapies and officialdom turns a blind eye to the immoral human embryonic stem cell research in China. The book highlights that both patent control and federal funding control are inefficient and ineffective way to monitoring human embryonic stem cell research. The book finally proposed an approach for china to regulating human embryonic stem cell research-regulating research itself at the reconciled international regime. The potential reader includes academics and practitioners dealing with[...]

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2016. XVIII, 200 p. 1 illus.
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Erscheinungstermin: September 7, 2016

Wrongful Convictions in China
Comparative and Empirical Perspectives

The primary focus of this comparative and empirical work is to address wrongful convictions between China and common-law countries in order to promote a better understanding of wrongful convictions in China’s practice with the help of comparative analyses, verifiable and empirical data and case studies. It examines the scope of wrongful convictions and offers new insights into the worldwide movement to prevent them, assesses how far it has progressed and what reforms are most needed. The book suggests that
adversarial and inquisitorial systems alike could benefit from this research and learn valuable lessons from one another on how to effectively reduce the risk of wrongful convictions.

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Erscheinungstermin: October 2, 2016

S. Kim

A Collective Theory of Genocidal Intent

Tackling one of the most confusing and controversial issues in the field of international criminal law — i.e., the genocidal intent element, this monograph seeks to develop an account of genocidal intent from a collectivist perspective. Drawing upon the two-layered structure of the crime of genocide composed of the ‘conduct level’ and ‘context level’, it detects the genocidal intent element at the ‘context level’. The genocidal intent found in this manner belongs to a collective, which significantly departs from the prior individualistic understandings of the notion of genocidal intent. The author argues that the crime of genocide is not a ‘crime of mens rea’. Collective genocidal[...]

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Hardcover
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Mutual Recognition of Judicial Decisions in European Criminal Law

This book examines the mutual recognition of judicial decisions in European criminal law as a cornerstone of judicial co-operation in criminal matters in the European Union. Providing comprehensive content and combining theoretical and practical aspects, it covers all of the major issues surrounding mutual recognition. The book analyses its definition, genesis, principles, case law, implementation and evaluation. Special attention is given to mutual recognition measures, namely European arrest warrant (i.e. surrender procedure), mutual recognition of custodial sentences, and measures involving deprivation of liberty, mutual recognition of probation measures and alternative sanctions,[...]

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M. Kochupillai

Promoting Sustainable Innovations in Plant Varieties

This book develops the term ‘Sustainable Innovations’ and defines it on the basis of plant variety innovations that, by their very nature, (i) permit the in situ conservation of agrobiodiversity and genetic variability in diverse geographic and climatic conditions, (ii) do not exclude any potential innovators from the process of innovation, and thereby (iii) ensure that both formal and informal innovations can continue to take place in the generations to come (in both the developed and developing world). The book studies the Indian Plant Variety Protection Act, the UPOV Acts and associated agricultural policies from a legal, philosophical, historical and economic perspective with the[...]

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Erscheinungstermin: August 21, 2016

N. Lucchi

The Impact of Science and Technology on the Rights of the Individual

The volume is devoted to the relevant problems in the legal sphere, created and generated by recent advances in science and technology. In particular, it investigates a series of cutting-edge contemporary and controversial case-studies where scientific and technological issues intersect with individual legal rights. The book addresses challenging topics at the intersection of communication technologies and biotech innovations such as freedom of expression, right to health, knowledge production, Internet content regulation, accessibility and freedom of scientific research.

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A Treatise of Legal Philosophy and General Jurisprudence

Volume 8: A History of the Philosophy of Law in The Common Law World, 1600–1900

Volume 8, the third of the historical volumes of A Treatise of Legal Philosophy and General Jurisprudence, offers a history of legal philosophy in com-
The "Dematerialized" Insurance
Distance Selling and Cyber Risks from an International Perspective

This book adopts an international perspective to examine how the online sale of insurance challenges the insurance regulation and the insurance contract, with a focus on insurance sales, consumer protection, cyber risks and privacy, as well as dispute resolution. Today insurers, policyholders, intermediaries and regulators interact in an increasingly online world with profound implications for what has up to now been a traditionally operating industry. While the growing threats to consumer and business data from cyber attacks constitute major sources of risk for insurers, at the same time cyber insurance has become the fastest growing commercial insurance product in many... [Snip]

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Ethical Policy and Principles in Tissue Banking
International Experience and Implementation

This book highlights the importance of adopting ethical policies and a code of ethics concerning tissue banking. It also shares the experience of a select group of countries in the adoption, implementation, and use of ethics in the creation and maintenance of tissue establishments. Describing the difficulties faced and the measures adopted to overcome them, the book provides several essential recommendations for governments, professional associations and international organizations involved in tissue banking, with the goal of strengthening tissue banking activities in interested countries and improving the quality of all tissue establishments.

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Database Law
Perspectives from India

This book focuses on database law (a branch of intellectual property law) and further explores the legal protection currently available for data and data-related products in India. It offers a comparative study of the position of copyright law in protecting databases in the US and EU, while also presenting responses from the Indian database industry and its aspirations regarding the role of copyright law in database protection. India is undoubtedly leading the way as a knowledge economy. Its strengths are its information technology capability and its knowledge society, as well as its booming database industry – aspects that also necessitate the study of the role of law, as well as... [Snip]

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Arbitration in China
Rules & Perspectives

The book provides a comprehensive and practical overview of arbitration in the People’s Republic of China. The process of arbitrating a dispute is described from the perspective of a non-Chinese individual or business. Readers are guided through the typical course of events in an arbitration process. By avoiding both excessive technicality and undue simplification, the book appeals to both law professionals and business managers, and is useful for practitioners and non-experts alike. Recent developments in Chinese law on the matter, up to the first quarter of 2015,
Beyond Networks - Interlocutory Coalitions, the European and Global Legal Orders

This book explores the activism promoted by organised networks of civil society actors in opening up possibilities for more democratic supranational governance. It examines the positive and negative impact that such networks of civil society actors – named “interlocutory coalitions” – may have on the convergence of principles of administrative governance across the European legal system and other supranational legal systems. The book takes two main controversial aspects into account: the first relates to the convergence between administrative rules pertaining to different supranational regulatory systems. Traditionally, the spread of methods of administrative governance has been [...]

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General Principles of Thai Private Law

This book offers a general framework for understanding the main concepts, rules, and institutions of the Thai legal system. It details the history of the civil and commercial code and provides readers with valuable information about the main principles that regulate relations between private individuals. Written in a clear and easy-to-understand style, it first presents the general principles of law and then addresses more specific aspects. It not only defines private law, but also explores how it works, and why it works the way it does. Topics covered include general rules of law, the law of obligations and contracts, the management of affairs without mandate and unjustified [...]

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Access to Medicine Versus Test Data Exclusivity

Safeguarding Flexibilities Under International Law

This book explores the concept of test data exclusivity protection for pharmaceuticals. Focusing on Art 39(3) of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and relevant provisions in selected free trade agreements (FTA) and national laws, it combines normative, historical, comparative and economic analysis of test data exclusivity protection. At the heart of this book is the novel and original Index of Data Exclusivity and Access (IDEAS), which analyzes the effectiveness of test data exclusivity provisions in FTAs and national laws both on the strength of exclusivity as well as on access to medicine. IDEAS provides a framework for the [...]

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The Return of Cultural Artefacts

Hard and Soft Law Approaches

This book analyses the instruments and approaches offered by public international law to resolve cultural heritage related disputes and facilitate the return of illicitly transferred objects to their countries of origin. In addition to assessing the instruments themselves, their origins, and their advantages and disadvantages, it also examines the roles and interests of the actors involved. Lastly, the book explores the interaction between hard and soft law approaches, the reasons for...
Individual Rights in EU Law

This book explores the EU law notion of ‘individual rights’. It examines which sorts of rules grant EU legal rights to individuals, how it is decided if a right is conferred, and which individuals may claim the judicial protection of a right. It further discusses the legal implications and consequences of holding an EU legal right with respect to the interpretation and application of EU law in general and to specific remedies such as declaratory remedies, injunctions, restitution and damages. On a more overarching level, the book explores the question of how the idea of EU law rights relates to other fundamental EU law concepts such as the principles of effectiveness and direct...[...]

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Human Rights in Transnational Business

Translating Human Rights Obligations into Compliance Procedures

This book investigates how human rights law can be applied to corporate entities. To date there have been insufficient international legal mechanisms to bring corporations to justice for their misconduct abroad. The book argues that rather than trying to solve the problem locally, an international approach to corporate human rights compliance needs to be sought to prevent future corporate human rights abuses. Implementing effective and enforceable human rights compliance policies at corporate level allows businesses to prevent negative human rights impacts such as loss of revenue, high litigation costs and damage to reputation. By considering human rights to be an inherent part of their...[...]

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Services of General Economic Interest as a Constitutional Concept of EU Law

This book offers a legal understanding regarding the core elements of SGEI (Services of General Interest), and of how the post-Lisbon constitutional framework on SGEI affects the application of the EU market rules by the EU Court of Justice, including procurement rules, to public services. It is built up of three parts, namely Part I: No Exit from EU Market Law for Public Services, Part II: SGEI as a Constitutional Voice for Public Services in EU Law, and Part III: The cost of loyalty, the relationship between EU procurement and state aid legislation on social services and the Treaty rules on SGEI ending with a case study of Swedish systems of choice. Analyses are also provided on[...]

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Flipped Classrooms for Legal Education

This book discusses comprehensively the use of Flipped Classrooms in the context of legal education. The Flipped Classroom model implies that lecture modules are delivered online to provide more time for in-class interactivity. This book analyses the pedagogical viability, costs and other resource-related implications, technical aspects as well as the production and online distribution of Flipped Classrooms. It compares the Flipped Classroom concept with traditional law teaching methods and details its advantages and limitations. The findings are tested by way of a case study which serves as the basis for the development of comprehensive guidelines for the concept’s practical[...]

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International Criminal Tribunals and Human Rights Law

Adherence and Contextualization

This book addresses the interpretation and application of human rights norms by International Criminal Tribunals (ICTs). Such Tribunals are widely heralded as human rights defenders. At the same time, however, they employ activities that necessary entail the risk of human rights violations: they conduct criminal investigations, arrest and detain individuals, and put them on trial. This book investigates this flip-side of the ICTs’ relationship with international human rights law, and focuses on the ICTs’ own interpretation and application of human rights norms. First, the book addresses whether and how ICTs are bound by
human rights law, since unlike states, they do not sign or ratify [...] More on www.springer.com/978-94-6265-101-2

**Seafarers’ Rights in China**


This book critically investigates the conditions of seafarers’ rights in China in legislation and in practice, focusing in particular on the restructuring process following the 2006 Maritime Labour Convention. Accordingly, it poses key research questions to major Chinese stakeholders to gauge their responses to the Convention, to determine whether the protection of Chinese seafarers has actually improved since the advent of the Convention, and further, to identify the continuing challenges for future improvement. The Convention will enter into force in China in November 2016, bringing with it significant changes.

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