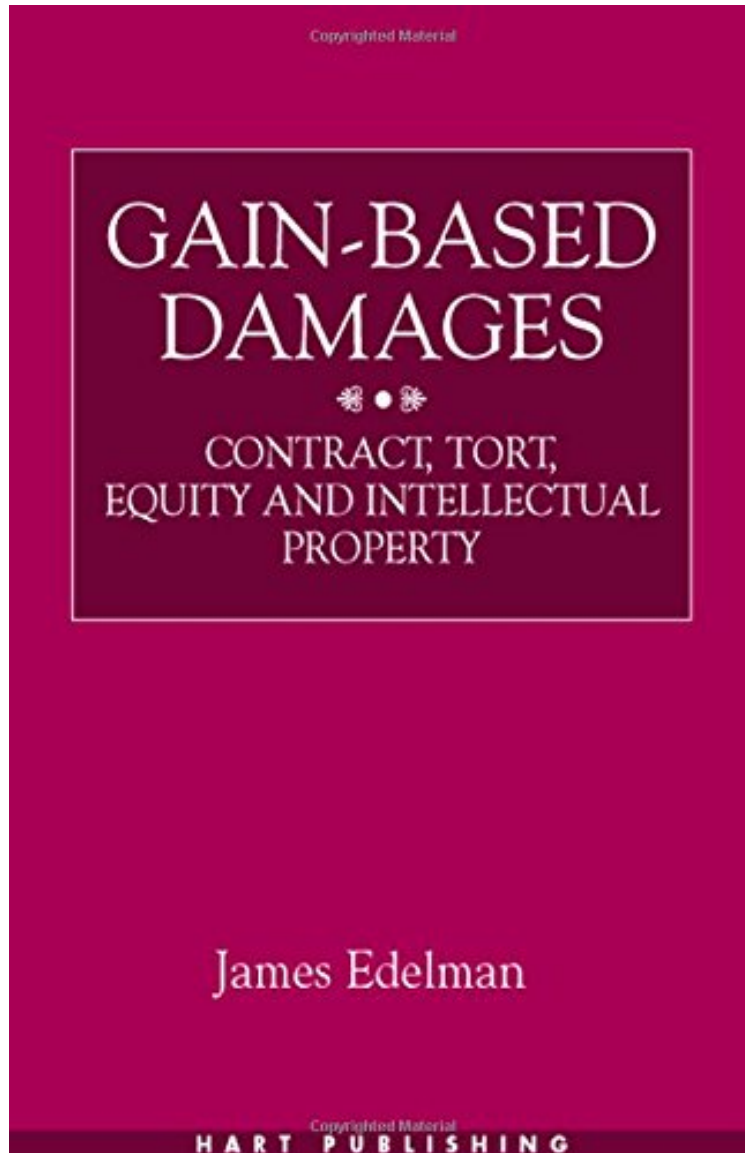


[Download ebook] Gain-Based Damages: Contract Tort Equity and Intellectual Property

Gain-Based Damages: Contract Tort Equity and Intellectual Property

James Edelman

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James Edelman : Gain-Based Damages: Contract Tort Equity and Intellectual Property before purchasing it in order to gauge whether or not it would be worth my time, and all praised Gain-Based Damages: Contract Tort Equity and Intellectual Property:

On July 27, 2000, the House of Lords delivered a decision where, for the first time in English law, it explicitly recognized that damages for civil wrongs can be assessed by reference to a defendant's gain rather than a claimant's loss. This book considers the nature of gain-based damages and explains when they have historically been available and why, and provides a framework for appreciating the operation of such damages awards. The core thesis of the book is that two different forms of gain-based damages exist: the first is concerned with restitution of a defendant's gains wrongfully transferred from a claimant; the second is concerned only with stripping profits from the defendant's hands. Once these two gain-based damages awards are separated, they can be shown to be based upon different rationales and the basis for their availability can be easily understood.

.a thought-provoking account of an exceedingly difficult aspect of the law of remedies provides ample food for thought and deserves appropriate attention. Sarah Worthington, London School of Economics Trust Law International April 2002 .the book is carefully cited and easily navigable it is worthy both as a guide for practitioners and resource for academics. the logic with which Dr Edelman presents his case for recognition of gain-based damages for civil wrongs is appealing. Each step in the argument follows convincingly from the previous one. And the force of recent case law, in particular the seminal House of Lords decision in *Attorney-General v Blake* (where disgorgement damages for breach of contract were awarded), only serves to strengthen the argument. Michael Rush, Magdalen College, Oxford Australian Bar November 2002 About the Author James Edelman is Professor of the Law of Obligations in the University of Oxford.