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Inhaltsangabe Einleitung Der Erwerb eigener Aktien ist in Deutschland von einer wechsellvollen Geschichte gepr gt Mit der Notverordnung aus dem Jahre 1931 kam es zu einem fast l ckenlosen Verbot des Erwerbs eigener Aktien was in der Folgezeit als wichtige Errungenschaft des modernen Rechts der Kapitalgesellschaft angesehen wurde Auch bei der Umsetzung der Kapitalmarktrichtlinie im Jahre 1978 kam es zu keiner Lockerung des Verbots obwohl Art 19 I der Richtlinie Spielraum f r eine Liberalisierung gibt Begr ndet wurde dies damit da s schon wegen des zweifelhaften Wertes den die M glichkeit des Erwerbs eigener Aktien ganz allgemein hat von dieser M glichkeit der Richtlinie im deutschen Recht nicht Gebrauch gemacht werden sollte In der Folgezeit besch ftigte man sich vor allem im juristischen Schrifttum verst rkt mit dem Erwerbsverbot wobei die bisherige gesetzliche Regelung in zunehmenden Ma e kritisiert wurde und man eine begrenzte Erlaubnis des Erwerbs anregte Die betriebswirtschaftliche Literatur schenkte diesem Thema bislang wenig Aufmerksamkeit was auf die bisherige Bedeutungslosigkeit auf Grund des Verbotes zur ckzuf hren sein mag Dies nderte sich mit der Liberalisierung des Aktienr ckerwerbs durch das Inkrafttreten des Gesetzes zur Kontrolle und Transparenz im Unternehmensbereich KonTraG am 27 April 1998 Der Schwerpunkt der Arbeiten konzentrierte sich jedoch vorwiegend auf die steuerlichen und bilanziellen Auswirkungen des Erwerbs Die vorliegende Diplomarbeit untersucht die Probleme Verfahren und Auswirkungen des Erwerbs eigener Aktien Zur Erkenntnisgewinnung bedient sich der Verfasser der Arbeit des Vergleichs der amerikanischen und der deutschen Finanzierungspraxis Die Wahl des amerikanischen Systems geschah dabei vor folgendem Hintergrund Die amerikanische Finanzierungspraxis beherrscht die internationalen Finanzm rkte auf welche deutsche Aktiengesellschaften immer mehr angewiesen sind In den USA gibt es umfangreiche empirische Untersuchungen welche die Auswirkungen des Erwerbs eigener Aktien beschreiben Weltweit werden in keiner Region mehr eigene Aktien als in den Vereinigten Staaten erworben Gang der Untersuchung Theoretische und empirische Untersuchungsergebnisse welche sich auf den amerikanischen Markt beziehen lassen sich jedoch nicht problemlos auf Deutschland bertragen Die Arbeit ist deshalb so aufgebaut da im ersten Teil die wirtschaftlichen und rechtlichen Rahmenbedingungen der beiden Corporate Practice Series, 1978

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Table of Contents Securities Regulation 1997 Selected Statutes Rules Forms

1. Understanding the eBook Securities Regulation 1997 Selected Statutes Rules Forms
 - The Rise of Digital Reading Securities Regulation 1997 Selected Statutes Rules Forms
 - Advantages of eBooks Over Traditional Books
2. Identifying Securities Regulation 1997 Selected Statutes Rules Forms
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Securities Regulation 1997 Selected Statutes Rules Forms
 - User-Friendly Interface
4. Exploring eBook Recommendations from Securities Regulation 1997 Selected Statutes Rules Forms
 - Personalized Recommendations
 - Securities Regulation 1997 Selected Statutes Rules Forms User Reviews and Ratings
 - Securities Regulation 1997 Selected Statutes Rules Forms and Bestseller Lists
5. Accessing Securities Regulation 1997 Selected Statutes Rules Forms Free and Paid eBooks
 - Securities Regulation 1997 Selected Statutes Rules Forms Public Domain eBooks
 - Securities Regulation 1997 Selected Statutes Rules Forms eBook Subscription Services
 - Securities Regulation 1997 Selected Statutes Rules Forms Budget-Friendly Options

6. Navigating Securities Regulation 1997 Selected Statutes Rules Forms eBook Formats
 - ePub, PDF, MOBI, and More
 - Securities Regulation 1997 Selected Statutes Rules Forms Compatibility with Devices
 - Securities Regulation 1997 Selected Statutes Rules Forms Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Securities Regulation 1997 Selected Statutes Rules Forms
 - Highlighting and Note-Taking Securities Regulation 1997 Selected Statutes Rules Forms
 - Interactive Elements Securities Regulation 1997 Selected Statutes Rules Forms
8. Staying Engaged with Securities Regulation 1997 Selected Statutes Rules Forms
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Securities Regulation 1997 Selected Statutes Rules Forms
9. Balancing eBooks and Physical Books Securities Regulation 1997 Selected Statutes Rules Forms
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Securities Regulation 1997 Selected Statutes Rules Forms
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Securities Regulation 1997 Selected Statutes Rules Forms
 - Setting Reading Goals Securities Regulation 1997 Selected Statutes Rules Forms
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Securities Regulation 1997 Selected Statutes Rules Forms
 - Fact-Checking eBook Content of Securities Regulation 1997 Selected Statutes Rules Forms
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements

- Interactive and Gamified eBooks

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