

Product Liability *in* Comparative Perspective

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Product Liability In Comparative Perspective

Geraint Howells, Iain Ramsay



Product Liability In Comparative Perspective:

Product Liability in Comparative Perspective Duncan Fairgrieve, 2005-10-27 This book examines the law of product liability from a comparative perspective With the European Directive on Product Liability enacted over 20 years ago this publication analyses the state of product liability in a number of key jurisdictions including both Western European countries and New Member States Account is also taken of developments further afield including the United States and Japan Distinguished contributors including a high court judge European Commission official leading litigators and academics provide individual country reports and a number of integrated comparative studies The book is designed for practical use by legal practitioners academics students and others interested in the area of contract tort civil procedure and multi party litigation In particular practitioners will find the country reports an essential reference point *Product Liability in Comparative Perspective* Duncan Fairgrieve, 2005-10-27 This book examines the law in respect of financial redress for those injured by defective consumer items known as product liability The different approach of the courts in a variety of different countries is examined including Western Europe Accession Countries North America and Japan Contributions are made by distinguished commentators including a high court judge European Commission official leading litigators and academics

PRODUCT LIABILITY Helmut Koziol, Michael D. Green, Mark Lunney, Ken Oliphant, Lixin Yang, 2017-11-07 Where products develop ever more rapidly the law may face difficulties in responding accordingly to new security threats which may arise In the field of product liability an extraordinary need for legal development has thus been perceived with legislators and judges feeling compelled to find new solutions and to look across borders for these In the detailed reports in this book the World Tort Law Society proves that it is in an ideal position to examine the most significant concepts The report on North America studies the special regime for product liability from its origin in the case law of the US the European report is centred around the EU Product Liability Directive with its merits and faults and the influence of these two systems as well as new answers are shown in the reports on Asia Russia and four key jurisdictions in the rest of the world Similar questions are discussed worldwide How can a strict liability regime for products be justified and can it be justified in all cases How does the special regime relate to general rules of tort law Should services be subject to a similar regime The Members of the Society seek to provoke thought for solutions to these pervasive problems In this spirit the volume's comparative conclusions invite discussion and the book includes four responses to that call from eminent tort lawyers from different legal backgrounds

PRODUCT LIABILITY Helmut Koziol, Michael D. Green, Mark Lunney, Ken Oliphant, Lixin Yang, 2017-11-07 Where products develop ever more rapidly the law may face difficulties in responding accordingly to new security threats which may arise In the field of product liability an extraordinary need for legal development has thus been perceived with legislators and judges feeling compelled to find new solutions and to look across borders for these In the detailed reports in this book the World Tort Law Society proves that it is in an ideal position to examine the most significant concepts The report

on North America studies the special regime for product liability from its origin in the case law of the US the European report is centred around the EU Product Liability Directive with its merits and faults and the influence of these two systems as well as new answers are shown in the reports on Asia Russia and four key jurisdictions in the rest of the world Similar questions are discussed worldwide How can a strict liability regime for products be justified and can it be justified in all cases How does the special regime relate to general rules of tort law Should services be subject to a similar regime The Members of the Society seek to provoke thought for solutions to these pervasive problems In this spirit the volume s comparative conclusions invite discussion and the book includes four responses to that call from eminent tort lawyers from different legal backgrounds

Product Liability Duncan Fairgrieve, Richard S Goldberg, 2020-05-20 Product Liability is a recognised authority in the field and covers the product liability laws through which manufacturers retailers and others may be held liable to compensate persons who are injured or who incur financial loss when the products which they manufacture or sell are defective or not fit for their purpose Product defects may originate in the production process be one of design or be grounded in a failure to issue an adequate warning or directions for safe use and practitioners advising business clients or claimants will find this book provides all the necessary information for practitioners to manage a product liability claim This new edition has been fully updated to take account of 10 years of development in case law and regulation and the increasing impact of cross border and transnational sale of goods The Court of Justice of the European Union handed down major rulings concerning the Product Liability Directive which affect the application of the Directive and national arrangements and Fairgrieve and Goldberg examines this in detail For any legal practitioner operating in areas which require knowledge of European product liability law an understanding of the impact of recent developments is essential and this work is an essential resource for practitioners working on product liability sale of goods personal injury and negligence The work provides comprehensive coverage of the law of negligence as it applies to product liability of the strict liability provisions of the Consumer Protection Act 1987 and of the EU s Product Liability Directive on which the Act is based Although the majority of cases involve pharmaceuticals and medical devices in recent English cases the allegedly defective products have been as diverse as a child s buggy an All Terrain Vehicle and even a coffee cup Many cases are brought as group actions and the book examines the rights of those who are injured by defective products As well as considering the perspective of the law as it has developed in the UK this edition contains detailed discussion of case law from other jurisdictions including the USA Australia New Zealand Canada France and Germany The coverage in the work is complemented by a full analysis of issues which arise in transnational litigation involving problems of jurisdiction and the choice of laws

Comparative Tort Law Mauro Bussani, 2021-02-26 This revised second edition of Comparative Tort Law Global Perspectives offers an updated and enriched framework for analysing and understanding the current state of tort law around the world Using a critical comparative methodology it covers not only the common tort law issues but also many jurisdictions often overlooked in the

mainstream literature Contributions explore illuminating case studies from tort systems in Europe the US Latin America Asia and sub Saharan Africa including new chapters specifically discussing tort law in Brazil India and Russia **Handbook of Research on International Consumer Law** Geraint G. Howells,I. Ramsay,Thomas Wilhelmsson,2010 This is a truly international effort and one with a strong commitment to human rights by the highly reputable authors coming from different jurisdictions The many facets of today s consumer law are presented to the reader including developing countries a fascinating effort in a dynamically emerging field of law We are comprehensively informed about such bread and butter areas as advertising unfair terms consumer guarantees product safety and liability consumer credit and redress But traditional consumer law concepts and remedies are facing challenges in more complex areas like services of general internet where consumers and private users should enjoy equal access to universal services with the internet where speed must not be a pretext to eliminate standards of fair dealing with risky investment services under the problematic paradigm shift from investor protection to investor confidence A book to read to think about to work with for everybody interested in the future of consumer markets and law in a time of economic crisis Norbert Reich University of Bremen Germany This is a richly interesting collection of essays written by leading names in the field It offers a thoroughly reliable survey of key tensions and challenges in modern consumer law and brilliantly combines thematic overview with detailed analysis It will stimulate comparative thinking it will provide a source of information and it will be welcomed by consumer law scholars all over the world Stephen Weatherill University of Oxford UK Consumer law and policy has emerged in the last half century as a major policy concern for all nations This Handbook of original contributions provides an international and comparative analysis of central issues in consumer law and policy in developed and developing economies The Handbook encompasses questions of both social policy and effective business regulation Many of the issues are common to all countries and are becoming increasingly globalised due to the growth in international trade and technological developments such as the Internet The authors provide a broad coverage of both substantive topics and institutional questions concerning optimal approaches to enforcement and the role of class actions in consumer policy It also includes comparative insights into the influential EU and US models of consumer law and relates consumer law to contemporary trends in human rights law Written by a carefully selected group of international experts this text represents an authoritative resource for understanding contemporary and future developments in consumer law This Handbook will provide students researchers and policymakers with an insight to the main policy debates in each context and provide models of legal regulation to assist in the evaluation of laws and the development of consumer law and policy Product Liability Law in Transition Magdalena Tulibacka,2016-04-08 This volume examines the evolution of Central European product liability systems with particular reference to the effect of the implementation of the Product Liability Directive in the context of the recent enlargement of the EU This book also provides a comparison of how product liability law has evolved in the socialist states comparing it to developments taking place in the

West Using product liability law this study offers a valuable insight into the necessary features and requirements of the harmonization of laws between the EU and post socialist Europe Predominantly legal in scope it also takes account of the importance of extra legal elements in law reform As such this book will be a valuable resource for those interested in European Law as well as those working in the area of Consumer and Product Liability law **Handbook of Research on International Consumer Law, Second Edition** Geraint Howells,Iain Ramsay,2018-07-27 Consumer law and policy continues to be of great concern to both national and international regulatory bodies and the second edition of the Handbook of Research on International Consumer Law provides an updated international and comparative analysis of the central legal and policy issues in both developed and developing economies **Common Law and Civil Law Perspectives on Tort Law** Mauro Bussani,Anthony James Sebok,Marta Infantino,2022 The place of tort law Negligence and strict liability Recovery for physical harms the case of medical malpractice Non economic damage and primary victims Recovery of secondary victims for economic harm and emotional distress Compensation for pure economic loss Causation Products liability **Japanese and European Private International Law in Comparative Perspective** Ju rgen Basedow,Harald Baum,Yuko Nishitani,Max-Planck-Institut für Ausländisches und Internationales Privatrecht,2008 The idea of national codification is advancing on a global scale in conflict of laws A large number of legislative projects dealing with codifying and modernizing private international law both on the national and the supranational level have been launched in the past few years Among such recent initiatives the advances taken by the European and the Japanese legislators are particularly reflecting these developments On January 1 2007 the new Japanese Act on General Rules for Application of Laws entered into force replacing the outdated conflict of laws statute of 1898 This major reform finds its parallels in the current efforts of the European Union to create a modern private international law regime for its member states This volume presents the first comprehensive analysis of the new Japanese private international law available in any western language and contrasts it with corresponding European developments Most of the contributors from Japan are scholars who were actively involved in and responsible for preparing the new Act All of them are renowned experts in the field of private international law Leading European experts in the conflict of laws supplement the Japanese analyses with comparative contributions reflecting the pertinent discussion of parallel endeavours in the EU To guarantee better understanding English translations of both the present and the former Japanese statutes have been added **Medicinal Product Liability and Regulation** Richard Goldberg,2014-07-18 The piecemeal developments in product liability reform in Europe have their origins in the tragic association of phocomelia in children with thalidomide in 1962 In many ways these events have continued to generate pressure for reform of product liability especially for the victims of drug induced injury This monograph attempts to address the major problems that typify claims for drug induced injury as well as highlighting the complex interrelationship between liability exposure and drug regulation While medicinal products are subject to strict liability under the product liability directive the claimant may have

considerable difficulty in establishing that the relevant product is defective and that it caused the damage It may also be necessary to overcome the development risk defence where this is pleaded The monograph addresses these problems on a comparative jurisprudential basis and seeks to determine whether medicinal products should be treated as a special case in the field of product liability It examines the role of epidemiological evidence in assessing causation in product liability cases concerning medicinal products in the light of recent developments in the UK Supreme Court the United States Canada and France In particular it addresses the difficulties in reconciling the standards of proof in law and science including the theory that causation can be proved on the balance of probabilities by reference to the doubling of risk of injury An important case study compares and contrasts the approaches of the UK and the US to the measles mumps rubella Litigation The book also examines the question as to whether compliance with regulatory standards should protect pharmaceutical manufacturers from product liability suits It seeks to support a *via media* whereby the victims of drug induced injury can receive justice while at the same time encouraging drug safety and innovation in drug development

Tort Law Jenny Steele, 2014 Tort Law offers a stimulating introduction to the subject Jenny Steele provides a sound analysis of the key principles before exploring a wide range of critical perspectives through an extensive selection of cases and materials *The Cambridge Companion to European Union Private Law* Christian Twigg-Flesner, 2010-05-20 A critical 2010 introduction to European Private Law written by the leading scholars in the field

Climate Justice and Historical Emissions Lukas H. Meyer, Pranay Sanklecha, 2017-02-16 This volume investigates who can be considered responsible for historical emissions and their consequences and how and why this should matter for the design of a just global climate policy The authors discuss the underlying philosophical issues of responsibility for historical emissions the unjust enrichment of the earlier developed nations and questions of transitional justice By bringing together a plurality of perspectives both in terms of the theoretical understanding of the issues and the political perspectives on the problem the book also presents the remaining disagreements and controversies in the debate Providing a systematic introduction to the debate on historical emissions and climate change this book provides an unbiased and authoritative guide for advanced students researchers and policymakers in climate change justice and governance and more widely for anyone interested in the broader issues of global justice

Street on Torts John Murphy, Christian Witting, Harry Street, 2012-03-08 Well established and highly regarded Street on Torts provides a detailed yet clear overview of tort law with strong analysis of case law and contextualisation of individual torts The highly praised broad coverage and logical structure are maintained ensuring the book remains a classic 50 years after publication of the first edition

EU Consumer Law and Policy Stephen Weatherill, 2013-01-01 Acclaim for the first edition As a whole Stephen Weatherill crafts a detailed and wonderfully rich consideration of this dynamic issue and is a resource which practitioners in this area could ill do without Weatherill's thorough and thoughtful insights with regard to these issues provide an important basis for understanding the complexities and vagaries of market integration in the EU

Community Peter G Fitzgerald Canadian Law Library Review Steve Weatherill provides an excellent thought provoking account of EU consumer law and policy It will be required reading for all those interested in this important subject Paul Craig St Johns College Oxford UK This is a characteristically excellent book by Steve Weatherill combining incisive legal analysis of an important policy field with an authoritative and up to date account of the underlying legal and constitutional framework Grainne de Burca European University Institute Italy This new edition of Stephen Weatherills acclaimed book provides a comprehensive introduction to all facets of the EUs involvement in consumer law and policy Consumers are expected to benefit from the EUs project of economic integration enjoying wider choice and improved quality and yet they need protection from the dangers that flow from malfunctioning and unfair markets The EUs consumer law and policy is an attempt to have the best of both worlds a liberalised yet properly regulated trading space for Europe This highly esteemed book now in a brand new edition provides a comprehensive and up to date introduction to the subject explaining the evolution of consumer law and policy in the EU in terms of both legislative and judicial activity The book also situates EU consumer law and policy within its broader social political and economic context providing a window to a range of wider issues and tensions relating to Union regulatory strategies and their effect on the member states It concludes with a newly written examination of the relationship between EU and national initiatives of market regulation symbiosis or disruption A readable yet critically sound textbook this fully updated edition will be indispensable for both postgraduate and undergraduate students of EU law It will also appeal strongly to all academics regulators and practising lawyers with an interest in EU trade law or indeed European law more generally

Consumer Protection Law Geraint Howells, Stephen Weatherill, 2017-09-08 This fully revised and updated second edition of *Consumer Protection Law* introduces the reader to the substantive law of consumer protection in the United Kingdom the emphasis being on the place of United Kingdom law within an evolving European legal system and also on the need to draw upon comparative experience The book not only seeks to place consumer protection in its purely black letter context but also draws upon wider readings to show that consumer protection law is a complex area of law which reflects and shapes the individual citizen s position within the modern economy

Delivering Justice Xandra Kramer, Stefaan Voet, Lorenz Ködderitzsch, Magdalena Tulibacka, Burkhard Hess, 2022-10-20 In this Liber Amicorum leading experts and old time friends from around the world come together to pay tribute to Christopher Hodges multifaceted career and work by exploring what can be done to deliver justice and fairness focusing on collective redress consumer dispute resolution court system reform ethical business regulation and regulatory delivery After a decade long career as a solicitor Christopher Hodges became Professor of Justice Systems at the Centre for Socio Legal Studies at the University of Oxford Throughout his academic career he worked on a variety of topics dealing with access to justice and dispute resolution from product liability procedural funding systems and collective redress to alternative dispute resolution and ethical business regulation In 2021 Christopher Hodges was awarded an OBE for services to business and law His

ground breaking research not only inspired students and colleagues but also influenced policymakers worldwide Delivering justice and making things better runs like a thread through his work the same thread connects the chapters in this book

The Regulation of Automated and Autonomous Transport Kyriaki Noussia,Matthew Channon,2023-08-12 This book discusses various legal aspects of automated and autonomous transport The regulation of automated and autonomous transport encompasses legislation on automated cars ships vessels and drones Questions surrounding this novel area of the law which has attracted major worldwide interest and publicity are likely to dominate our societies and everyday life in the years ahead One major challenge addressed in this book is remedying the regulatory fragmentation that can be observed around the globe concerning legislation on automated and autonomous transportation systems Written and edited by respected experts in the field including academics and practitioners alike this book seeks to fill an important gap in the literature Given its focus and scope the book will be of considerable interest to practitioners academics and policymakers judges students and secondary audiences including engineers sociologists naval architects all those involved in the automated industry and people working in AI

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