

DIPARTIMENTO DI SCIENZE GIURIDICHE E SOCIALI
DIPARTIMENTO DI ECONOMIA

DOTTORATO DI RICERCA IN *BUSINESS, INSTITUTIONS, MARKETS*

CICLO DI SEMINARI TEORICO-PRATICI SUL TEMA
**“ABUSE OF RIGHTS IN CONTRACTUAL RELATIONSHIPS. A CASE-LAW
PROSPECTIVE”**

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RESPONSABILI SCIENTIFICI: PROF. LISIA CAROTA, PROF. ANNARITA RICCI



I LEZIONE – 20 FEBBRAIO 2017 - ORE 16.00-19.00

Theoretical grounds and development of the concept of “abuse of rights”

The first definition provided for under the Preliminary Project of the Italian Civil Code; The subsequent definition construed by the French doctrine; The current definition currently stated by the Italian Supreme Court.

II LEZIONE – 27 FEBBRAIO 2017 – ORE 16.00 – 18.00

“Abuse of rights” in contracts – The unfulfillment of general clauses – First Case-law

General clauses of *bona fide* and fairness as base for evaluating potential abuses in contracts; First contrasted decisions issued by our Supreme Court recognising the concept of “abuse of rights” (case analysis):

III LEZIONE – 6 MARZO 2017 – ORE 16.00 – 19.00

Current leading cases of “abuse of rights” in contracts – Part I

(Sale and lease-back agreements; Sale and purchase agreements; Abuse of right in sale/rent of business assets; Abuse of right in renting agreements)

IV LEZIONE – 13 MARZO 2017 – ORE 16.00 – 19.00

Current leading cases of “abuse of rights” in contracts – Part II

Abuse of right in enforcing conventional termination clauses; Abuse of right in withdrawing from contracts; Abuse of right in facility agreements; Abuse of right in agency agreements

V LEZIONE – 20 MARZO 2017 – ORE 16.00 – 18.00

Abuse of rights relating to companies’ agreements and bankruptcy scenarios

Abuse of rights performed by companies’ shareholders; Abuse of rights of creditors in «splitting up» enforcing procedures directed to obtain the payment of their credits; Abuse of rights in asking bankruptcy declaration in Court without

VI LEZIONE – 27 MARZO 2017 – ORE 16.00 – 19.00

Abuse of rights in the European Prospective

Evolutionary lines; • Article 54 of the Nizza Chart and relevant development; • Direct enforcement of Article 54 in the Italian legal system.

LA FREQUENZA DEL CORSO ATTRIBUISCE N. 1 CREDITO FORMATIVO PER CIASCUNA DELLE LEZIONI IN PROGRAMMA
AGLI STUDENTI DEL “CLEC-M” (CORSO DI LAUREA IN ECONOMIA E COMMERCIO MAGISTRALE)