

<<国际商法>>

图书基本信息

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内容概要

本书《国际商法》（代理法与产品责任法篇）以介绍英美代理法与产品责任法为主，全篇包括两部分共八章。

第一部分“代理法”包括：代理法概述、本人和代理人的义务、与第三方有关的合同责任和与第三方有关的侵权责任四章；第二部分“产品责任法”包括：产品责任概述、担保责任、疏忽责任与严格责任制、赔偿与辩护四章。

国际法双语教学教材《国际商法》包括三本，即国际商法“合同销售篇”、“公司与票据法篇”及“代理法与产品责任法篇”。

国际商法是法学院国际经济法和民商法专业学生和商学院学生必须要学的一门法律专业课，而外语又是系统学习理解国际商法的必要工具，基于这样的目的，我们编著这套教科书，作为双语教学的试用教材，供法学院和商学院大学英语四级以上的学生以及法律工作者学习理解国际商法和法律英语使用。

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章节摘录

Agency is a two-party relationship in which one party (the agent) is authorized to act on behalf of, and under the control of, the other party (the principal) . Simple examples of the agency relation include hiring a salesperson to sell goods, retaining an attorney, and engaging a real estate broker to sell a house. Agency laws most important social function is to stimulate business and commercial activity. It does so by allowing people and businesses to increase the transactions that they can complete within a given time. Without agency, business and commercial life would proceed at a very slow pace. A sole proprietors ability to engage in trade, for instance, would be limited by the need to make each contract for purchase or sale in person. As artificial persons, moreover, corporations can act only through their agents. Agency law can be divided into two rough categories. The first involves the legal rules controlling relations between the principal and the agent. These include the rules governing formation of the agency relation, the duties the principal and the agent owe each other, and the ways that an agency can be terminated. Such topics are the main concern of this chapter. The second involves the legal rules controlling the principals and the agents relations with the third parties. In this chapter, our main concerns are the principals and the agents liability on contracts made by the agent and on torts committed by the agent.

1. Formation and capacity. An agency is created by the manifested agreement of two persons that one person (the agent) shall act for the benefit of the other (the principal) under the principals direction. As the term manifested suggests, the test for the existence of an agency is objective. If the parties behavior and the surrounding facts and circumstances indicate an agreement that one person is to act for the benefit and under the control of another, courts hold that the relationship exists.

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