

## **Career Development Plan-Year 1**

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### **BRIEF OVERVIEW OF RESEARCH PROJECT AND MAJOR ACCOMPLISHMENTS EXPECTED (half page should be sufficient):**

Despite the fact that it is “common sense” that unlawful conduct or more specific tort should not pay and that for this reason illegal profits must be avoided the reality looks very different: Infringements of antitrust law, unfair commercial practices law, capital market law, intellectual property rights or personal rights by mass media etc. are generally highly profitable. As a matter of fact, the tortfeasor can often keep his unlawfully gained profits which can run up to immense sums and lead to inefficient markets. The main reasons why unlawful behaviour in practice normally pay are: the tortfeasor cannot be detected, no sufficient provisions claiming damages exist, rational apathy of possible claimants or the expected profits are higher than the damages. To combat unlawful profits efficiently it needs beside public also private enforcement. Thus, the research project ultimately wants to find the most efficient Private Law instruments for combating these unlawfully gained profits and enhance the efficiency of the markets for the following sectors: intellectual property law, unfair competition law, antitrust law, personality rights protection and finally capital market law. The following private law instruments are in the center of attention: collective action models, skimming-off procedures (see e.g. sec. 10 of the German Unfair Competition Act), gain-based damages (see e.g. in the field of intellectual property law article 13 of the enforcement-directive) and damage multipliers (see e.g. treble damages in American antitrust law). The expected potential socio-economic impact of the research results can be considered as very high. If all the proposed private law instruments could be combined and implemented one could combat unlawfully gained profits much more efficiently. Combating unlawful profits purely and only with public law instruments like it is still often supported today is inefficient and ineffective. The research results can help to ensure that unlawful conduct does not pay off and to prevent further law infringements.

**LONG-TERM CAREER OBJECTIVES (over 5 years):**

**1. Goals:**

After the fellowship the researcher plans to hold a chair in European Private Law or/and Comparative Private Law preferably in Germany, The Netherlands or the UK. For this reason the during the fellowship acquired competencies will strongly contribute to the development of his career.

**2. What further research activity or other training is needed to attain these goals?**

To attain the mentioned goal the researcher has to finish the procedure for his German “Habilitation” (which is at the same time his research project) at the University of Münster. This will happen in April 2013. After this procedure the researcher will attain the title “Privatdozent”. With the end of this procedure the researcher has the ability to become a chairholder (in Germany and elsewhere).

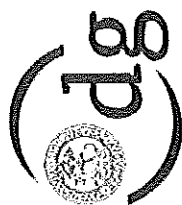
## SHORT-TERM OBJECTIVES (1-2 years):

1. Research results
  - o Anticipated publications:

LIST OF PUBLICATIONS DURING RESEARCH PERIOD (PUBLISHED OR ANTICIPATED)										
NO.	Title	Main author	Title of the periodical or the series	Number, date or frequency	Publisher	Place of publication	Year of publication	Relevant pages	Permanent identifiers (if available)	Is/Will open access provided to this publication?
1	<i>Prävention durch Gewinnabschöpfung</i>	André Janssen	<i>Jus Privatum</i>		Mohr Siebeck	Tübingen	2013	Ca. 800		no
2	<i>Disorgement of profits</i>	Ewoud Hondius/ André Janssen	<i>Ius Gentium: Comparative Perspectives on Law and Justice</i>		Springer	Vienna	2014	Ca. 400		no
3	<i>Auf dem Weg zu einem europäischen Privatrecht</i>	André Janssen	<i>Europäisches Privatrecht</i>	27 July 2012	Nomos	Baden-Baden	2012	404		no
4	<i>Legal Cultures and Legal Transplants in Germany</i>	André Janssen/Reiner Schulze	<i>European Review of Private Law (ERPL)</i>	Volume 19, issue 2 2011	Kluwer	Deventer	2011	225-256		no

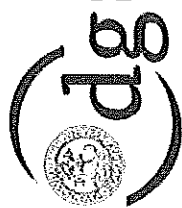


5	Legal Cultures and Legal Transplants in Germany	André Janssen/Reiner Schulze	ISAJDAT Law Review	Volume 1, issue 2 2011	ISAJDAT	Turin	2011	1-44	<a href="http://isajdat.di.unito.it/index.php/isajdat/issue/view/5">http://isajdat.di.unito.it/index.php/isajdat/issue/view/5</a>	yes
6	The Application of the CISG in the World of International Commercial Arbitration	André Janssen/Matthias Spilker	The Rabel Journal of Comparative and International Private Law (RabelsZ)	Volume 77, issue 1 2013	Mohr Siebeck	Tübingen	2013	Ca. 40		no
7	The Relationship between the CISG and International Arbitration: A Love Story with Obstacles?	André Janssen/Matthias Spilker	Larry DiMatteo (ed.), Global Challenges of International Sales Law		Cambridge University Press	Cambridge	2013	Ca. 30		no
8	Interpretive Uncertainty: Methodological Solutions for Interpreting the CISG	Larry DiMatteo/André Janssen	Nederlandsche Tijdschrift voor Handelsrecht (NTHR)	Volume 9, issue 2 2012	Uitgeverij Paris	Zutphen	2012	52-69		no

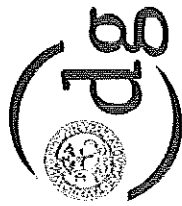


9	UN Convention on Contracts for the International Sale of Goods (Kröll/Mistelis/Perales Viscasillas)	André Janssen	Zeitschrift für Europäisches Privatrecht (ZEuP)	Volume 20, issue 3 2012	Beck	Munich	2012	672-673	no
10	Il contratto internazionale – diritto comparato e prassi commerciale (Frignani/Torsello)	André Janssen	European Review of Private Law (ERPL)	Volume 19, issue 3/4 2011	Kluwer	Deventer	2011	447-450	no
11	Chinese Business Law (Bu)	André Janssen	European Review of Private Law (ERPL)	Volume 18, issue 5 2010	Kluwer	Deventer	2010	1035-1036	no

- o Anticipated conference, workshop attendance, courses, and /or seminar presentations:



CONFERENCE ETC. PRESENTATION (DONE OR ANTICIPATED)								
NO.	Type of activities	Main leader	Title	Date	Place	Type of audience	Size of audience	Countries addressed
1	Speech at conference „The Global Challenges in International Sales Law“	André Janssen	„CISG Use in Commercial Arbitration“	10.11.-11.11.2011	Gainesville/USA	Scientific Community, Industry	120	Worldwide
2	Speech at conference „20 Years CISG in the Netherlands“	André Janssen	„Interpretation of the CISG“	20.4.2012	Amsterdam/The Netherlands	Scientific Community, Industry	100	European Countries
3	Speech at conference „La Vendita Internazionale“	André Janssen	„The CISG in International Commercial Arbitration“	27.7.2012	Genoa/Italy	Scientific Community, Industry	130	Italy
4	Speech at the China University of Political Science and Law (CUPL)	André Janssen	„Combating Unlawful Profits“	7-9.2012	Beijing/China	Scientific Community, Industry, Policy makers	80	China



5	Organisation of the final Marie Curie conference	André Janssen	„Unlawful Profits Project – Combating unlawfully gained profits using Private Law mechanisms in Europe“	27.9.2012	Turin/Italy	Scientific Community	70	European Countries
6	Speech at conference „Unlawful Profits Project – Combating unlawfully gained profits using Private Law mechanisms in Europe“	André Janssen	„When Private Enforcement and Homo Oeconomicus meet Reality – The Combat against Unlawful Profits“	27.9.2012	Turin/Italy	Scientific Community	70	European Countries
7	Speech at conference „Unlawful Profits Project – Combating unlawfully gained profits using Private Law mechanisms in Europe“	André Janssen	„Becoming and Being an Intra-European Fellowship Holder“	27.9.2012	Turin/Italy	Scientific Community	70	European Countries
8	General reporter of the 19 <sup>th</sup> meeting of the Académie internationale de droit comparé/International academy of international law	Ewoud Hondius/André Janssen	„Disgorgement of Profits“	20.7.-27.7.2014	Vienna/Austria	Scientific Community	Ca. 500	Worldwide

## **2. Research Skills and techniques:**

It can be concluded that the researcher was able to acquire several new expertise in areas related to his research field and adequate understanding of their appropriate application. Firstly, the proposed development of “law competencies” in a narrower sense has been completed. In concreto, this means the development of the competencies in Italian law, European private law (especially the *acquis communautaire*, and here in particular the intellectual property law, unfair competition law, antitrust law and capital market law) and comparative law (especially the legal theory of comparative law). Secondly, the researcher could reinforce his researcher’s inter- and multidisciplinary research competencies. In the present case this means both the development of competencies in Law and Economics and in Behavioural Sciences and Law. For the researcher this were two key competencies not only for the project at hand but also and especially for his career and the development of his research skills. The researcher was able to gain a much deeper knowledge of those two scientific areas which helps him to evaluate legal problems from different perspectives. Thirdly, the researcher was able to improve his Italian language skills substantially. This is important as the improvement of the Italian (especially legal) language skills will be essential for his career as a “complete” comparative and international scientist.

## **3. Research management:**

The researcher did not apply yet for another scholarship or other fundings as he is obliged to finish his German “Habilitation”-procedure first. This will be in April 2013. Nonetheless he is considering to apply for a grant under the programme of the European Research Council (ERC). The researcher has shown in the past that he is able to successfully identify and secure possible sources of funding for personal and team research. Furthermore he has worked within several research networks, is editor of several books and law journals, has written numerous joint publications and lead a research team at the University of Münster. Thus, he has the skill to manage a project and to work together with others. Last but not least the researcher will follow in the second year of his fellowship the intensive course „Project Design and Management of Research and Innovation“ for the development and improvement of research management skills. This course will be very useful for the researcher and will provide him among others with information about techniques how to draft a research project, the chances for external funds for his field of research, research contracts (in general and with the European Commission in particular), administrative matters of a research projects and finally about further Marie Curie Actions.

## **4. Communication skills:**

The researcher got invited to speak at several conferences for the second research year (see more detailed the list above). Also the course for the presentation of scientific research (especially with regard to Powerpoint) will be due for the second year of his fellowship.



Furthermore, he wrote beside his main project several other publications which enhanced his writing skills ones more (see more detailed the list above).

**5. Other professional training (course work, teaching activity):**

The researcher taught at the University of Turin the course "Law and Globalisation" within the reporting period.

**6. Anticipated networking opportunities**

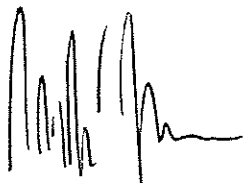
The researcher was elected out of several hundred proposals worldwide to present the general report with the title "*Disgorgement of profits*" at the 19<sup>th</sup> meeting of the International Academy of Comparative Law in 2014 (together with Ewoud Hondius/Utrecht). This will give him the unique opportunity to present his research results to a worldwide audience and further disseminate them. Furthermore, he has to organize the national reports worldwide concerning this subject for this congress (preparation of questionnaires, selection of the national reporters etc.). This will give the researcher the chance to build up a network with the top specialists worldwide. In addition, further network activities are planned especially with Prof. Ferrante and Prof. Pasa from the University of Turin as e.g. common publications and workshops. Several scientists from Turin have in the meanwhile also published in the European Review of Private Law (EPRL), a law journal edited by the researcher.

**7. Other activities (community, etc) with professional relevance:**

The researcher plans for his second year of his fellowship to follow an intensive course with the title „Project Design and Management of Research and Innovation“ for the development and improvement of research management skills. The course will deal with the following subjects: techniques how to draft a research project, the chances for external funds for his field of research, research contracts (in general and with the European Commission in particular), administrative matters of a research projects and finally about further Marie Curie Actions. Thus, due this course the researcher will obtain further complementary skills which will be very important for his future career.

Torino, October 1<sup>st</sup>, 2010

Signature of fellow:  
Dott. André Janssen



Signature of supervisor  
Prof. Gianmaria Ajani

