

Career Development Plan-Final year

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Name of Supervisor: Prof. Gianmaria Ajani

BRIEF OVERVIEW OF PROGRESS, ACHIEVEMENT AND PERFORMANCE (half page should be sufficient):

The research project of the researcher developed very well and according to the working plan provided in Annex I of the grant agreement. The researcher wrote ☐ beside the other below mentioned publications ☐ almost 800 pages for his research project within his Intra European Fellowship at the University of Turin. The results will be published in 2014 on form of a book. The editor will be Mohr Siebeck in Germany.

The research project has shown that private enforcement is essential when it comes to the combat of illegal profits as public enforcement alone is not efficient. However, there is no “one size fits all” solution in private law as the situations in which the illegal profit normally remains with the tortfeasor are too different. For the combat against trifling damages due to rational apathy the introduction of collective actions and in particular skimming-off procedures (like e.g. sec. 10 of the German Unfair Competition Act) are proposed (for some areas of law as e.g. antitrust law, unfair commercial practices law, capital market law) here. For intentional, profitable breaches of law the researcher would like to see the introduction of a general private law instrument of gain-based damages. According to the researcher situations of illegal profits due to a low detection rate can be prevented most efficiently with (moderate) damage multipliers, but only for some fields of law (especially antitrust law and intellectual property law). However, this does not mean the introduction of punitive damages. The damage multiplier should only be determined by the detection rate (up to a constitutional limit) in order to disgorge illegal profits; it should not aim at punishing wrongdoers.

The 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. The research results can help to ensure that unlawful conduct does not pay off and to prevent further law infringements. Following the research approach private law would finally become a “real” and efficient partner of public law in law enforcement when it comes to unlawful profits.

LONG-TERM CAREER OBJECTIVES (over 5 years):

There are no adjustments needed in comparison to the career development plan (year one).

SHORT-TERM OBJECTIVES ACHIEVED DURING THE TRAINING PERIOD:

- 1. Research results**
 o Publications (incl. in press):

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>Jus 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



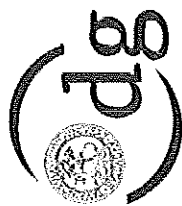
5	Legal Cultures and Legal Transplants in Germany	André Janssen/Reiner Schulze	ISAI DAT Law Review	Volume 1, issue 2 2011	ISAI DAT	Turin	2011	1-44	http://isaidat.dsg.unito.it/index.php/isaidat/issue/view/5	yes
6	The Application of the CISG in the World of International Commercial Arbitration	André Janssen/Matthias 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	Nederlands 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

- 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



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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 th meeting of the Académie internationale de droit comparé/International academy of international law	Ewoud Hondius/André Janssen	„Disorgement of Profits“	20.7.-27.7.2014	Vienna/Austria	Scientific Community	Ca. 500	Worldwide

2. Research Skills and techniques acquired:

It can be concluded that the researcher was able to acquire 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 again 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 due 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 or 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 followed in the second year of his fellowship an intensive course with the title „Project Design and Management of Research and Innovation“ for the development and improvement of research management skills. This course was very important for the researcher and provided 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:

In the second year of his fellowship the researcher followed a course for the presentation of scientific research (especially with regard to Powerpoint). Due to this course the researcher was able to enhance his presentation skills substantially. He could apply this newly gained knowledge directly as he had to deliver several speeches after this course (see more detailed the list above). Overall he gave six speeches during the reporting period which



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improved his presentation skills. Especially the speeches he gave in Beijing and in Turin at the end of his research period where he defended his scientific ideas for this project were very helpful in this regard. 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 China University of Political Science and Law, Beijing/China the course "Tort Law and Law of Damages" during 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 19th 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:

In the second year of his fellowship the researcher followed an intensive course with the title „Project Design and Management of Research and Innovation“ for the development and improvement of research management skills. This course was very interesting for the researcher and provided 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. Thus, due this course the researcher was able to obtain further complementary skills which will be very important for his future career.

Torino, October 1st, 2011

Signature of fellow:

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