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Aspects of Mercantile and Business Law in South Africa

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Zusammenfassung

Das in Englisch geschriebene fünfteilige Buch greift einzelne Aspekte aus dem südafrikanischen Wirtschaftsrecht heraus und stellt diese in den globalen Zusammenhang durch Vergleich mit anderen Staaten, woraus sich wieder Rückschlüsse für die Rechtsentwicklung und -interpretation in Südafrika ergeben.

Abstract

The book is not intended to state on Commercial Law and on Business Law in South Africa but to have a more detailed view on some selected aspects out of these fields of law comparing legal developments in South Africa with the legal situation in other countries, namely Germany, the UK, the United States, Canada, Australia, New Zealand and Scotland as well as in the European Union. It is focusing on international and global trends to show consequences for the legal situation in South Africa in some fields of commerce and business by improving the legal framework. The book is divided in five independent chapters .

CHAPTER I is about the *South African Trade Marks Act 194 from 1993 and Comparative Brand Advertising* with focus on the South African Constitution , the legal evaluation in the EU and statutory interpretation, followed by CHAPTER II on *Suretyship in South Africa* compared with the situation in German as well as Scots and English law. In CHAPTER III the focus is on *International Arbitration in South Africa in the banking sector* by reference to international loan agreements and a discussion of the pros and cons of arbitration, particular in a cross-border environment, as well as an outlook on the new International Arbitration Act of South Africa adopting the UNCITRAL Model Law and the chances for South African banking institutes, borrowers, lenders and lawyers. CHAPTER IV and CHAPTER V both deal with *E-commerce and office communications policies from a global perspective with emphasis on South Africa* comparing jurisprudence and legislation, the former listing the risks of internet usage and modern means of communication internal and external and providing the reader with a practical example to show risks obvious in a law firm environment and prevention methods, the latter with focus on the human factor by stressing the importance of motivating importance of motivating the workforce by allowing and encouraging employee participation as a prevention tool to protect private as well as company assets in cyber space.

The reader is encouraged to do further research on his own on the law in South Africa in it's global context as the selected topics in this book can not cover the whole range of aspects and is also not intended to serve as a general introduction but to give specific insight to limited problems in SA law and to show perspectives for SA law by comparison with foreign countries.