

Financial Law Institute

Working Paper Series

WP 2001-11

October 2001

GESCHILLENREGELING EN VRUCHTGEBRUIK

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Abstract

This paper focuses on problems that may occur when shareholders are confronted with a usufruct on shares in the dispute resolution procedure of the Company Code. Except for the specific claim for the transfer of the voting right (article 641 Company Code), the dispute resolution procedure does not provide rules regarding usufruct on shares. This situations gives rise to many questions, of which the most important is whether the usufructary can be considered a shareholder and thus be entitled to act as claimant or defendant in the dispute resolution procedure.

Published in:

T.R.V., 2001/6, 373.

As this working paper has been published in the abovementioned journal, it is no longer available in working paper format. Readers are kindly referred to the published article.