

NÁZEV PRÁCE V ANGLICKÉM JAZYCE

ASSIGNMENT OF RECEIVABLES ARISING FROM BUSINESS RELATIONS

SUMMARY

This thesis deals with selected issues related to assignment of receivables arising from business relations. It focuses on following topics: assignment of future claims, bulk assignment and factoring, legal issues related to a notice given to the debtor and scope of rights, which are transferred to the assignee with the assigned receivable.

The thesis is composed of nine chapters. First three chapters are introductory. Chapter One defines the purpose of the thesis; Chapter Two explains the basic concept of assignment of receivable (claim). Chapter Three provides the reader with basic overview of receivables, which are generally assignable under the Czech law.

Chapter Four deals with assignment of future receivables. It explains the reasons in favor of general possibility of such assignment and argues against basic objections to such possibility. It concludes that under Czech law, future receivables are generally assignable.

Chapter Five analyzes the problem of specificity with respect to future receivables and bulk assignment. It concludes that criteria of evaluation of the specificity of assigned receivables and bulk assignment in the context of the Czech law remain unclear, and offers possible solutions to this problem. It distinguishes between effectiveness of assignment and the issue of formal validity of agreement to assign.

Chapter Six explains issues related to assignment with respect to factoring. It argues that description of factoring operation included in Czech literature does not take into account legal opinions set forth in decisions of Czech courts.

Chapter Seven analyzes problems related to notice of assignment given to the debtor, which arose in Czech judicial practice. It explores important judicial decisions related to this issue and describes legal position of debtor with respect to notice of assignment. Furthermore, it explains legal implications of notice of ineffective assignment.

Chapter Eight explores the scope of rights, which are transferred to the debtor as a result of assignment. It concludes that neither Czech jurisprudence nor Czech courts have yet been able to produce a comprehensive theoretical argument to determine the scope of rights related to receivable, which are transferred to the assignee.

Chapter Nine summarizes the main conclusions set forth in previous chapters.

Klíčová slova - Key words

pohledávka - receivable

postoupení - assignment

faktoring - factoring