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The rationale of publicity in the law of corporeal movables and claims

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Propositions relating to the dissertation

THE RATIONALE OF PUBLICITY IN THE LAW OF
CORPOREAL MOVABLES AND CLAIMS

Meeting the Requirement of Publicity by Registration?

by Jing Zhang

1. Property rights are a legal relationship between persons with respect to things and are effective against third parties. The broad enforceability of property rights leads to a problem of collecting proprietary information for third parties.
2. In general, there are three types of third parties: strange interferers, subsequent acquirers, and general (unsecured) creditors. Strange interferers want to know the boundaries of their activity to avoid interfering with others' property rights, subsequent acquirers need detailed proprietary information about the thing involved, and general creditors are mainly concerned about the overall financial health of the debtor.
3. In the field of corporeal movables, possession can be visible or invisible. Visible possession is an abstract and ambiguous means of publicity. It is sufficient for strange interferers, but they cannot provide the information demanded by subsequent acquirers and general creditors.
4. In the field of claims, securities qualify as a means of publicity for documentary rights, and notification is too defective to be a method of publicity.
5. Registration should be introduced in the law of corporeal movables and claims. The register should be a subject-based, digital, self-service and fully open notice-filing system. The scope of registerable property rights should be limited to a proper extent.
6. A central and comprehensive system of registration should be introduced to motor vehicles. This system is object-based with reference to the VIN. The system can serve both the private-law transaction and the public-law regulation.
7. The comparison of private law should be conducted by considering three aspects: legal function, legal history, and legal system.
8. Careful attention should be afforded to the difference in legal terminologies in the research of comparative private law, especially when the research is presented in English. For accuracy and clarity, new concepts may be raised and defined in comparative research.
9. Writing a PhD thesis is a good method to learn at least three different foreign languages at the same time.
10. A bicycle is a nice example in discussing the law of corporeal movables.