Understanding the Law of Assignment
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The practical importance of intangible personality such as debt, bonds, equities, futures, derivatives and other financial instruments has never been greater than it is today. The same may be said of interests in intellectual property. Yet the assignment of these intangible assets remains difficult to understand. Assignments are often taken to operate as a form of transfer akin to conveyances of legal titles to tangible personality. However, this conception does not accurately reflect the law of assignment as it has developed in the caselaw in England and Wales. This book sets out a different model of the workings of assignments as a matter of English law, one that provides an analytical, yet historically sensitive, framework which allows us to better understand how, and why, assignments work in the way the cases tell us they do.


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*Understanding the Law of Assignment is a comprehensive and exhaustive analysis of hundreds of cases and legislative provisions concerning equitable assignment. It focuses upon English law but with an eye to numerous other jurisdictions. It is written beautifully. It develops or applies the thinking of many great legal theorists including Blackstone, Story and Hohfeld. Professor Tham’s theory, that an equitable assignment involves the creation of a bare trust coupled with agency, is sophisticated and elegant. And, most valuably of all, it provides justification for a very significant body of law. It explains rules that have been incomprehensible to generations of lawyers, described only by the name of the case that created them. - From the Foreword,
James Edelman,
High Court of Australia, Canberra