Title:

Content:

Verwirkung is a concept applied by German courts to bar claims on equitable grounds prior to the time they are barred by the statute of limitations (30 years, unless otherwise provided). If P has been silent over a long period of time, and if D has changed his position in reliance upon P's continued inaction, then a subsequent action by P may be held to violate the principles of good faith (§ 242 BGB). While civil lawyers in France and Italy would resort to notions like renonciation tacite and tolleranza, common-law lawyers use concepts such as waiver, abandonment, acquiescence, laches, or simply estoppel. But when P's silence or D's reliance, or both, occur in countries other than the forum country, choice of law problems can arise; curiously enough, they seem to have gone unnoticed by writers and judges.

[Set out in detail.]

Referring Principles:

I.1.3 - Forfeiture of rights