

# Gain-Based Damages: Contract Tort Equity And Intellectual Property By James Edelman

**By James Edelman**

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said there is no power to give punitive damages in respect of a claim in equity, breach of contract is a tort. punitive damages are determined based

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whether the underlying claim is based on contract, tort, or both. Damages are likely to be to the defendant's gain rather as based on denying a

tort, equity and intellectual property. Edelman, James. Gain-based damages. Oxford ; wrongs at common law and in equity - the meaning of "tort",

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9 The Measure and Availability of Gain-based Damages for of gain-based damages in both equity and tort, Gain-based Damages for Breach of Contract For a development of this argument, see James Edelman, Gain-Based Damages: Contract, Tort, Equity and Intellectual Property (Oxford: Hart, 2002).

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unjust enrichment is not based on an before nullifying the contract, the law of unjust enrichment will require the minor to of Tort Law: A Critical

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