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e-mail: Fikentscher@jura.uni-muenchen.de
- Max-Planck-Institute: Max-Planck-Institut für Geistiges Eigentum,
Wettbewerbs- und Steuerrecht (for Intellectual Property,
Competition and Tax Law), Marstallplatz 1, 80539
Munich, Germany; phone 49-89-24246-(0)-424
- Personal Data born May 17, 1928, Nuremberg/Bavaria, Germany.
Married to Irmgard, né van den Berge, music teacher;
three sons, one daughter
- Languages German, English, French, Dutch, Spanish; Latin, Greek
- Education
1952 – 1953 University of Michigan Law School, Ann Arbor, Michigan
USA; three semesters post-graduate and LL.M Program
LL.M. Paper: A Theory of Legal Monopolies
(Sponsor: Prof. Saul Chesterfield Oppenheim)
- 1952 Dr.jur., Univ.of Munich (Sponsor: Prof. Alfred Hueck)
- 1947 - 1950 Study of law, Universities of Erlangen and Munich
- Professional Experience
2008 - Member, Preparation Committee, Cluster of Excellence
“Esthetics of Knowledge”, University of Munich
- 2007 - Working Groups “Economizing Antitrust: Abuse by
Exploitation”, “Competition Laws of Developing Countries”,
“Unilateral Restraints”, Max-Planck-Institute (see above)
- 2004 - Faculty Member, Parmenides Center for the Study of
Thinking, Elba/Italy and Munich
- 2000 - Study Group “Traditional Knowledge and Indigenous
Resources in TRIPS”, Max-Planck-Institute (see above)
- 1999 - Member, Planning and Programming Committee, Gruter
Institute for Law and Behavioral Research,
Portola Valley, CA, U.S.A.

- 1996 – 2000 (spring terms) Visiting Professor, University of California, School of Law, Berkeley, CA, U.S.A.
Teaching and research subject: Law and anthropology
- 1998 - 2003 Member, Advisory Board, Center for International & Comparative Law, U.of Michigan, Law School, Ann Arbor, MI
- 1997 - Member, Center for Human Studies (HWZ), Munich Univ.
- 1996, Oct. 1 - Professor emeritus, University of Munich Law School;
assigned teaching subjects: anthropology of law,
ethology of law; legal methods (since fall 2008), appointed
examiner in First Law State Examination as of April 2005
- 1996 - Co-director, Berkeley Office (with Professor Robert D. Cooter), and Director, Munich Office, Gruter Institute for Law and Behavioral Research, Portola Valley, CA, U.S.A.
- 1996 - Chairperson, Commission for Studies in Cultural Anthropology, Bavarian Academy of Sciences, Philosophical-Historical Class, Munich
- 1995 - 1996 Member of the Board (*Mitglied der Leitung*), since 1997
Scholar in Residence (*am Institut tätig*), Institute for Philosophy of Law and Legal Informatics, University of Munich Law School
Research subjects: Anthropology of law
- 1994 - 1997 Member, Comparative Competition Trade Policy Project, University of Washington, Seattle, Law School (Project on Competition and Trade Policy in the United States, Japan, and Europe)
- 1993 - 1995 Expert, United Nations Conference on Trade and Development (UNCTAD), Ad-hoc Expert Group on International Competition Law, Geneva
- 1993 (April) Visiting Professor (*Kurzzeitdozentur*), Sino-German Institute of Economic Law, University of Nanjing School of Law, PR China
Teaching subjects: Economic law, competition law, antitrust law, legal methods
- 1991 - Member, International Antitrust Code Working Group (drafted, in 1991 - 1993, a GATT/WTO

Plurilateral International Antitrust Code)

- 1984 - 1986 Senator, University of Munich
- 1977 - Member, Bavarian Academy of Sciences
Philosophical-Historical Class, Munich
- 1971 - Scientific Member, Max-Planck Institute for Foreign
and International Patent, Copyright and Competition
Law (now: for Intellectual Property, Competition and Tax
Law), Munich; part time research coordinator: "New
International Economic Order", technology transfer to
developing countries, UNCTAD, GATT/WTO, TRIPS, and
related issues of international commercial law
- 1971 -1996 Professor of Law, University of Munich Law
School, with chair for civil and commercial law,
industrial property and copyright law, and
comparative private law, teaching also anthropology
of law and comparative method;
Acting Vice Director of the Institute for Industrial
Property and Copyright Law;
Co-director, Institute for International law - European and
International Economic Law -; Co-director,
Institute for Trade, Commercial and Labor Law;
- 1965 - 1971 Professor of Law, University of Tübingen. Teaching and
research subjects: civil law, European law, conflicts of law,
comparative law
- 1969 – 1971 Speaker, Faction of Professors, University Assembly,
Interim Constitution of University of Tübingen
- 1966 (April) Expert Witness, US Senate Subcommittee on International
Antitrust (Senator Phillip Hart) (on German antitrust law;
submission of a proposal for an international antitrust code)
- 1963 - 1965 Dean, since 1964 Vice Dean, University of Münster/
Westphalia School of Law, and Senator, Executive Senate
of the University
- 1958 - 1965 Professor of civil law, trade and commercial law,
conflicts of law and comparative law, University
of Münster/Westphalia, School of Law; Director
of the Institute of Comparative Law

1957 - 1958	Privatdozent (assistant professor), University of Münster/Westphalia School of Law
1957	Habilitation (S.J.D.) for civil, commercial, labor, and comparative law, Munich
1956	Second state law exam, Munich
1952, 1954, 1955	Teacher of labor law, German Federation of Trade Union Schools, Kochel and Niederpöcking (part-time)
1951 - 1956	Referendar (law clerk) at Bavarian law courts and bar (on leave 1952 - 1953 for post-graduate studies in Ann Arbor, Michigan)
1951 - 1952	Assistant to General Counsel, Wacker-Chemie, Munich, for antitrust, labor, contracts, licensing, and water law
1951	First state law exam, Munich
1947	Trainee, Main Laboratory, Chemical Works, Bobingen
<u>Research</u>	
2004 (July)	Interviews and library research, Windhoek, Namibia (governance in traditional authority, African Philosophy)
2004 (March, September)	Fieldwork and library research, Tempe, AZ; Berkeley, CA (Indian code law and economics, with Robert D. Cooter)
2003 (December)	Fieldwork and library research, Albuquerque, NM (Indian code law and economics)
2002 (June/July)	- Fellow, Santa Fe Institute, Santa Fe, NM, U.S.A.: fieldwork (with Robert D. Cooter): Navajo, Grande Ronde reservations ; Hopi, Pojoaque, Tesuque, Zuni, Cochiti Pueblos; Lumbee tribe (Indian code law and economics)
2001 (August/September)	Fieldwork (with Robert D. Cooter), White Mountain Apache; Hopi, Laguna, Acoma, Zuni, San Ildefonso, and Pojoaque Pueblos (Indian code law and economics)
2001 (May/June)	Fieldwork (with Yeong-chin Su and Shioh-Ming Wu) Taiwanese aborigines (Atayal, laws and economic situation)
2000 (May)	Field trip to Northwest Alaskan tribes (Tlingit, Tsimshian, Haida) to establish contacts

- 1999 (May) Fieldwork (with Irmgard Fikentscher), Coquille Indian Reservation, Oregon, U.S.A.; visit to Makah reservation, Washington, U.S.A.
- 1998 (May-June) Fieldwork (alone) on Southern Paiute Reservations (Kaibab Paiute, Moapa Paiute, Las Vegas Paiute)
- 1995/1996 (Oct. through March) Fellow, Santa Fe Institute, Santa Fe, NM, U.S.A. Research subject: Cultural Complexity, Pueblo tribal laws and economics (in particular Nambe, Cochiti, Santo Domingo, San Felipe, and Sandia Pueblos)
- 1994 -1999 Member, Study Group on Trade Related Aspects of Intellectual Property Rights, including Trade in Counterfeit Goods - TRIPS -, Max-Planck-Institut für ausländisches und internationales Patent-, Urheber- und Wettbewerbsrecht, Munich
- 1994 (March), revisit 1996 Fieldwork (with Hsiao-lo Wu and Shioh-ming Wu), Taiwanese Aborigines (Paiwan, Rukai, Atayal tribes) (legal and economic situation; tribal laws)
- 1992 – (cooperation since 1985) Fellow, Gruter Institute for Law and Behavioral Research, Portola Valley, CA, U.S.A. Research subjects: Anthropology and ethology of law and economics
- 1991 – 1992 Fellow, Santa Fe Institute, Santa Fe, NM, U.S.A. Research subject: Cultural complexity, Pueblo laws, religions, and economics
- 1991 - 1992 Fieldwork (alone) in Pueblo civil laws, tribal court practice and intertribal relations in the Pueblos of Taos, Picuris, San Juan, Santa Clara, Pojoaque, San Ildefonso, Tesuque, Jemez, Zia, Santa Ana, Isleta, Laguna, Zuni, Acoma. Visits to White Mountain Apache, Jicarilla Apache, and Hopi
- 1991 Visiting Professor, University of California School of Law, Berkeley, CA, U.S.A. Teaching and research subject: Anthropology of law
- 1990 Fieldwork, with Ben Chavis (Lumbee Tribe), and Robert D. Cooter), in Native American civil laws and tribal court practice on the following reservations: White Mountain Apache, San Carlos Apache, Pasqua Yaqui, Tohono O'odham San Xavier District, Pima-Maricopa, Hopi, Navajo, Acoma

Pueblo, Laguna Pueblo, Zuni Pueblo

- 1988 Visiting Professor, University of California, School of Law, Berkeley, CA, U.S.A.
Teaching and research subjects: Legal theory, anthropology of law
- 1986 - 1987 Visiting Professor, School of Law, and Dept. of Anthropology, Yale University, New Haven, Connecticut, U.S.A.; School of Law, Berkeley, California, U.S.A.; and Law School, University of Michigan, Ann Arbor, Michigan, U.S.A.
Teaching and research subjects: Anthropology of law, economics, and religion; legal method
- 1987 Fieldwork (alone) among Pueblo Indians and Ojibway Indian bands (esp. Red Cliff Band). Research Subjects: Tribal organization. Individuality and identity in indigenous societies
- 1980 - 1982 Consultant to the Secretariat of the Technology Division, United Nations Conference on Trade and Development (UNCTAD), Geneva;
Subjects: Draft Report on Common Approaches to Legislation and Regulation of Transfer of Technology to Developing Nations; UN Draft International Code of Conduct on the Transfer of Technology
- 1980 - 1981 Visiting Scholar, University of California Law School, Berkeley, CA, U.S.A.
Subjects: International, U.S., EC and German competition law and trade regulation; legal theory
- 1971 - 1972 Fellow, Netherlands Institute for Advanced Study in the Humanities and Social Sciences, Wassenaar, Netherlands.
Research Subjects: Comparative jurisprudence; anthropology of law, religion, and economics; legal method
- 1966 Visiting Professor, University of Michigan Law School, Ann Arbor Michigan, U.S.A. Subjects: US-American developments in antitrust and unfair competition law; and in jurisprudence. Fulbright Fellow
- 1965 (August-Oktober) Visiting Researcher, Commissariat Générale du Plan, Paris, France.
Subject: French economic law and planning

law in relation to EC competition policy

1962 - 1964

Member, Consulting Group, Commission of the European Communities, Brussels, Belgium
Subject: Application of Art. 86 (market domination and merger policy) of the EEC-Treaty (in preparation of the EC merger control regulation No. 139/2004)

1962

Visiting Professor, Georgetown University Law School, Washington DC, U.S.A. Subject: Comparative jurisprudence, competition law, US-American and Scandinavian legal realism. Fulbright Fellow

1958

Fellow, Faculty of Comparative Law, Luxemburg City, Luxemburg
Subject: Comparative law of contracts and torts

1952/1953

Postgraduate, University of Michigan School of Law, antitrust and unfair competition law, legal theory

Legal Policy Initiatives

2009

Proposal to members of Max-Planck Institute for Intellectual Property, Competition and Tax Law to establish a “Munich Group” for drafting global principles of free, fair, and culturally adequate economies, in response to the financial and economic crisis of 2006-2009. Result: The “Munich Group’s” work, titled “Fair Economy”, is under way

1990

Proposal to a Munich centered “International Antitrust Working Group” to write a policy paper expounding on the need for an antitrust body without jurisdictional boundaries. Result: The Draft International Antitrust Code of 1993, called by Martyn Taylor, International Competition Law, “the most serious and comprehensive initiative undertaken to date...to establish a set of enforceable international standards”; Ron Knox, From Munich to Zurich, 12 /7 Global Competition Review 8-9 (2009)

1979

Initiative, coordination, organization and edition of: W. Fikentscher, The Draft International Code of Conduct on the Transfer of Technology – A Study in Third World Development, Weinheim 1980: VCH Verlagsgesellschaft

- (co-authors: H.P. Kunz-Hallstein, Chr. Kleiner, F. Pentzlin, W. Straub) – a publication in the framework of the “New International Economic Order” political program of the United Nations
- 1968 Proposal to a University of Tübingen centered working group of experts of media economics, politics and law in response to public criticism of media concentration. Result: Two multi-authored publications, and the enactment of the 3rd statutory amendment of the German federal Law
- Against Restraints of Competition of 1957, the so-called “Press Amendment” of 1976, by the Federal Diet
- 1951 – 52 Contributions to the drafting of the German federal Law Against Restraints of Competition of 1957 during work at Wacker-Chemie (see above), economical and legal issues, comparison with post-WW II decartellization and IG-Farben deconcentration laws
- Honors, Prizes, Honorary Lectures (since 1991)
- 2005 The Alan Cox Memorial Lecture 2005: Rules of Technology Transfer and Antitrust in Current International Agreements, with a View on the Proposed International Antitrust Code and a TRIPS Reform, Pharmaceutical Trade Mark Association, Munich, March 21, 2005
- 2001 Keynote Lecture: Rules of Technology Transfer in Current International Agreements and the Proposed International Antitrust Code, Conference “Rules of Technology Transfer in Asian Countries”, Academia Sinica, Taipei, Taiwan R.o.C. May 25, 2001
- 1998 Festschrift Wolfgang Fikentscher on his 70th Birthday. B. Grossfeld, R. Sack, G. Sandberger, Thomas M.J. Möllers, A. Heinemann (eds.), Tübingen 1998: Mohr Siebeck
- 1995 Doctor juris honoris causa (University of Zürich, Switzerland)
- 1994 Max-Planck Research Prize (for ethnographic research in Native American tribes, first Max-Planck Research Prize awarded in anthropology; price shared with Robert D. Cooter, professor of law and economics, Berkeley, CA, U.S.A)

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| 1994 | Bayerischer Verdienstorden (Bavarian Order of Merits) |
| 1992 | Bundesverdienstkreuz 1. Klasse
(Federal Cross of Merits, First Class) |
| 1991 | The Cassel Lecture of 1991, University of Stockholm
School of Law, "Free Trade and Protection of Environment
as an Integrated Economic Value System" |

Publications, on civil, antitrust, international and comparative law; anthropology of law and legal theory, including:

Law and Anthropology: Outlines, Issues, Suggestions, Bavarian Academy of Sciences, Commission C.H. Beck, Munich 2009; online abridged version for students and researchers, with updates, Berkeley 2008- , available at http://works.bepress.com/wolfgang_fikentscher

Schuldrecht (German law of contracts, unjust enrichment, torts, and remedies), 10th ed. (with Andreas Heinemann) Berlin 2006: de Gruyter (1st ed. 1965)

Culture, Law and Economics, Three Berkeley Lectures. Max Planck Institute for Intellectual Property, Competition and Tax Law. Munich Series on European and International Antitrust Law, vol. 6, Berne and Durham, NC, 2004: Stämpfli and Carolina Academic Press (an economic anthropology)

Modes of Thought: A Study in the Anthropology of Law and Religion. 2nd ed. Tübingen 2004: Mohr Siebeck (1st ed. 1995)

Gesundheit!, Berlin 2004 (with Bernd Schottdorf and Fritjof Haft, on German health insurance reform)

Quellen zur Entstehung der Grundrechte in Deutschland (historical sources of the development of human rights in Germany), Stuttgart 2002: Franz Steiner (ed., with Achim Fochem)

Begegnung und Konflikt: Eine kulturanthropologische Bestandsaufnahme (contact and conflict: a reassessment of cultural anthropology), Munich 2001: Verlag der Bayerischen Akademie der Wissenschaften, Commission C. H. Beck, Munich, herausgegeben im Auftrag der Kommission für kulturanthropologische Studien der Bayerischen Akademie der Wissenschaften (ed. in the name of Commission for Studies in Cultural Anthropology of the Bavarian Academy of Sciences)

Globale Gerechtigkeit, Bamberger Hegelwochen 2000 (global justice: Bamberg Hegel Weeks 2000), Bamberg 2001: Universitäts-Verlag (ed. with C.F. Gethmann, R. Simon-Schäfer, and Norbert Walter)

Korruption, Reziprozität und Recht (corruption, reciprocity, and the law), Schriften zur Rechtspsychologie Band 4, Bern 2000: Stämpfli (ed. with Raimund Jakob)

Gene, Kultur und Recht (genes, culture, and the law), Schriften zur Rechtspsychologie Band 5 Bern 2000: Stämpfli (ed. with Martin Usteri und Wolfgang Wickler)

Law and Anthropology, Reader, University of California School of Law, Berkeley, CA, 2000

Die Freiheit als Aufgabe (freedom as a task), Tübingen 1997: Mohr Siebeck

Die Freiheit und ihr Paradox (freedom and the liberal paradox), Graefelfing 1996: Resch Verlag

Zur Anthropologie der Körperschaft – Polis, Genossenschaft, Tewa-Pueblo, (on the anthropology of the corporation – polis, cooperative, Tewa-Pueblo), München 1995: C.H. Beck

Demokratie - eine Einführung (democracy - a primer), Munich/Zürich 1993: Serie Piper (a series of lectures held in formerly socialist countries after the fall of the iron curtain; containing a chapter on anthropological requirements of democracy)

Recht und wirtschaftliche Freiheit (law and economic liberty), 2 vol. Tübingen 1992, 1993: Mohr Siebeck (collections of articles)

Die umweltsoziale Marktwirtschaft - als Rechtsproblem -, (environmental-social market economy as a problem of law), Heidelberg 1991: C.F. Müller Verlag (English edition: Stockholm 1992: Stockholm University School of Law)

Wirtschaftsrecht (economic law: global, European, German), 2 vol. Munich 1983: C.H. Beck (Chinese translation by Zhang Shiming, Demokratie und Rechtsordnung Verlag, Beijing)

Methoden des Rechts in vergleichender Darstellung (comparative legal method), 5 vol. Tübingen: 1975-1977: Mohr Siebeck

(103 books, including new editions, class room readers, and monographs, not including reprints of books; 292 articles; 7 reviews of court decisions; 134 book reviews; 25 editor- and co-editorships; separate list available)

Some Publications on Wolfgang Fikentscher

1. “Alles heiß”, Der Spiegel No. 30 of July 21, 1969, 30 (on the antitrust law of media)

2. G. E. Langemeijer, *Rechtsphilosophie en Rechtstheorie* 1978 No. 1, 18 - 30 (on anthropological analyses)
3. A. Troller, *Schweizerische Juristenzeitung* 1978, 53 - 55 (on the anthropologies of Judaic and Christian religions)
4. Chr. Autexier, *Séances de travail: Le précédent judiciaire, A.- Aspects de droit privé, Bulletin de la société de législation comparée*, 1984/4 (Octobre-Décembre) 840 - 844 (on legal method and legal precedents)
5. F. Wassner, *Ein Stiller*, *Frankfurter Allgemeine Zeitung*, of July 13, 1985 (on national and international property rights)
6. R. Wittmann, *Wertverwirklichung und Gerechtigkeitsidee*, 102 *SavignyZ (ZSSt) (Rom. Abt.)* 469 – 492 (1986) (on comparative legal method)
7. Milan Dubsky, *Trh je dialogem o hodnotách*, *Revue Obchodu/Prumyslu/Hospodárstvi* 10/1991, 12 f. (on comparative antitrust law)
8. Margaret Gruter, *7 Gruter Institute for Law and Behavioral Research News Letter* No.1, 3 (1994) (on ethology of law)
9. Christopher Heath, *Symposium über eine neue Weltwirtschafts-Rechtsordnung*, Berlin 11./12.9.1996, *GRUR Int.* 1996, AR 881 (on an international antitrust code as part of the law of nations)
10. Christoph Engel, *Review of Recht und wirtschaftliche Freiheit*, 61 *RabelsZ* 761 – 766 (1997) (on international competition law)
11. Bernhard Grossfeld, Rolf Sack, Thomas M. J. Möllers, Josef Drexl and Andreas Heinemann, *Vorwort der Herausgeber, Festschrift für Wolfgang Fikentscher*, Tübingen 1998: Mohr Siebeck, V – III
12. Richard Buxbaum, *Hommage Américain*, in: *Festschrift* (as before), 1 – 5
13. Walter R. Schlupe, *Hommage Suisse*, in: *Festschrift* (as before), 6 – 8
14. „Freiheit als Aufgabe“, *Festliches Symposium für Wolfgang Fikentscher*, *Akademie Aktuell der BadW* Heft 1/1998, 7
15. Josef Drexl, *Wolfgang Fikentscher zum 70. Geburtstag*, *Juristenzeitung* 13/1998, 670 f.
16. Thomas M.J. Möllers, *Wolfgang Fikentscher zum 70. Geburtstag*, *NJW* 1998, 1542
17. „tst“, *Zügel für Wettbewerb, Der globale Wettbewerb muss neu reguliert werden. Experten in Zürich wollen ein Weltkartellrecht*, *Tages-Anzeiger (Zurich)*, of July, 10, 1999

18. Josef Drexl, Wolfgang Fikentscher zum 75. Geburtstag, NJW 2003, 1502 f.
19. Christian Kelders, Für einen nachhaltigen Liberalismus: Wolfgang Fikentscher über anthropologische Aspekte der Marktwirtschaft/Effiziente Gemeingüterproduktion, Süddeutsche Zeitung of February 18, 2003, 18 (on international economic law)
20. Bernhard Grossfeld, Begegnung mit Wolfgang Fikentscher, in: St. Grundmann (ed.), Deutschsprachige Zivilrechtslehrer des 20. Jahrhunderts in Berichten ihrer Schüler, Berlin (July) 2007, Berlin 2007, de Gruyter, 221-236, (on national and international legal and economic developments during the second half of the 20th century, and W. F.'s position within them).