

To the maximum extent permitted by law (en todo lo permitido por la ley)

Término

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To the maximum extent permitted by law

Idioma

Inglés (Estados Unidos) (214)

Área Especialidad

Ciencias Sociales (405)

Disciplina

Derecho (513)

Temática

Contratos

Definición del término

Shall include, but not be limited to, the maximum extent authorized or permitted by (i) applicable law, as such laws may from time to time be amended to increase the scope of such permitted indemnification, (ii) the provisions of the applicable governing documents of an Indemnitor that authorize, permit or contemplate indemnification by agreement, court action or the corresponding provision of any amendment to or replacement of such provisions, (iii) any amendments to or replacements of applicable law, and (iv) governing documents of the Indemnitors adopted after the date of this Deed that either increase or decrease the extent to which a company may indemnify its directors, secretaries, officers and executives.

Fuente / Autor (del término)

Maximum Extent Permitted by Law Definition. (s. f.). Law Insider. Recuperado 6 de octubre de 2022, de <https://www.lawinsider.com/dictionary/maximum-extent-permitted-by-law>

Contexto del término

To the maximum extent permitted by law in contract clauses

The phrase to the maximum extent permitted by law is sometimes used in a provision which may, depending on the circumstances or the applicable law, turn out to be invalid or unenforceable. Such provisions include in particular clauses limiting the liability of a party and non-compete clauses (both in commercial setting and in employment agreements).

Until one year after the termination or expiration of this Agreement and to the maximum extent permitted by law, Employee shall not, directly or indirectly, for own benefit or for the benefit of third parties, undertake or facilitate any activities in a field of business equal or similar to a business of Employer or otherwise in direct or indirect competition with Employer.

The phrase to the maximum extent permitted by law is redundant to the extent that any statutory (or other legal) limitations do not prohibit or restrict the referenced provision. This must be distinguished from the case where two commercial parties negotiate a normal contract and are free to agree on prohibitions and restrictions (as opposed to the case where those parties deal on a questionable basis of either party's general terms and conditions). In such 'negotiated' contracts, the limitation of liability would not be invalid or unenforceable, because no party can be deemed to have disagreed to such 'negotiated' limitation. The phrase may be useful if the parties do not want to investigate where and to what extent such limitations apply or if there is a reasonable likelihood that, at some point in time, the applicable law may become more restrictive.

To the maximum extent permitted by law may also serve as a hint to a court that, in case it considers the invalidity or unenforceability of the clause, it should also nevertheless impose some kind of limitation or prohibition. This argument is not very convincing because a court should anyhow consider the appropriateness of giving at least some effect to the litigated provision.

Fuente / Autor (del contexto)

To the maximum extent permitted by law in contract clauses. (s. f.). Weagree.

Recuperado 6 de octubre de 2022, de <https://weagree.com/clm/contracts/contract-wording/to-the-maximum-extent-permitted-by-law/>

Equivalente en español

en todo lo permitido por la ley

Categoría gramatical

Prepositivo (225)

Variante de traducción

en todo lo permitido por la ley aplicable

Información geográfica de la variante en español

México (Mex.) (192)

Contexto del término en español

EN LA MEDIDA EN QUE LA LEY APLICABLE IMPIDA LA LIMITACIÓN DE TAL RESPONSABILIDAD, TWITCH LIMITARÁ SU RESPONSABILIDAD EN TODO LO PERMITIDO POR LA LEY APLICABLE

Fuente / Autor (del contexto en español)

Twitch (2021). Términos de servicio. Recuperado el 6 de octubre de 2021:
<https://www.twitch.tv/p/es-es/legal/terms-of-service/>