



# **Researches on Partial Exercise of Shareholders' Preemptive Right**

## **Abstract**

This dissertation is developed around whether one of the most successful systems in the Company Law: Shareholders' Preemptive Right could be excised partially. The writer has read a lot of existing researches and theoretical knowledges. Based on the analyses of the three mainstream view, the knowledge of shareholders' right, the reflection on limited liability companies and the balance of related parties' interests, the writer concludes that it is definitely possible to partially excise the shareholders' preemptive right, but the conclusion has a premise which is the guarantee of the transferring of shareholders' right. Understanding of the condition of this premise is an important point in this dissertation. The writer believes the condition should be the guarantee of the interest and the smooth transferring of the shareholder who transfer his right. And to realize this point, it is important to solve the problems in the wake of partial excise of shareholders' preemptive right in practice and the writer gives several answers to these problems at the end of this dissertation. Through this dissertation, the writer hopes to make the shareholders' preemptive rights more blossomed.

**Key Words**      shareholders' right    shareholders' preemptive right    transfer of  
shareholders' right    partial exercise    under the same condition



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- [1] . 2003 1  
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- [2] . 2007 8 44-47.
- [3] . 2005 2 2-9.
- [4] .
- 2013.
- [5] . .  
2010.
- [6] . 2012 2.
- [7] . 2011.
- [8] . 2007
- [9] . 2010.
- [10] . 2009
- 6 118-120.
- [11] . 2007 2 293-294.
- [12] . 2008.
- [13] . 2014.
- [14] . 2006 3.
- [15] .  
2010 1.
- [16] . 2012.
- [17] . 2013 5 18-25.
- [18] . 2013.
- [19] . 2005.