

MEDIAZIONE OBBLIGATORIA, ARBITRATO IRRITUALE  
E PUBBLICITÀ IMMOBILIARE

ABSTRACT

The real estate registration system is a closed one, safeguarded by the stringency of the effects subject to registration; this phd thesis assess the nature of mediation agreements, irregular awards and contracts of ascertainment, to prove that their effects may be registered.

In short, the work is organized in four chapter.

The first chapter begins with an investigation into the contract of ascertainment, marking its limits and effects, and then, continues trying to prove that there aren't differences between the effects aroused from the contract of ascertainment, the judgement and the arbitration award. Effects, however, limited by the rights that the contracting parties can dispose.

In the second chapter the evaluations are moved on to a different topic: the irregular arbitration. This peculiar type of arbitration is currently regulated, as known, by the art. 808-ter; this latter rule, anyhow, arouse some issues concerning the nature of this arbitration type and the other applicable rules. These issues and the nature of this kind of arbitration are the topics of this chapter.

The third chapter analyzes the new obligatory mediation regulated by the d.lgs. n.28/2010, as amended by the d.l. n.69/2013, and explores the nature of the mediation agreement and of the mediation report, the issues concerning the field of application, especially in relation to rights *in rem*, and some other minor issues.

The fourth chapter is the heart of the work. It examines: the registering possibilities of the request for irregular arbitration and of the request for mediation, excluding the registrability of both; the cases of registration when the effects of the mediation agreement and the irregular award modify, regulate or extinguish a right *in rem* or ascertain the adverse possession.