

dation for the system of acquisition of real estate in good faith. And it is also of great help to effectively maintain the security of transaction as well as improve the efficiency of business. The presumption of register constitutes the presumption of rights as a kind of legal presumption, and it can be rebutted by opposite evidences. The presumption of register can be classified into positive presumption and negative presumption. It can be applied to the rights with registrability, such as right to use construction land, right to the contracted management of land, right to mineral locating, mining right, right to use water, right to use ocean areas, easement of land and mortgage of real estate, and so on. Furthermore, the priority notice can also be presumed to be correct within some limits. However, the presumption of register can not be applied to obligatory right, legal status, legal capacity, etc., even if they are registered.

The first sentence of § 16 of CPL is not a substantive rule, but a procedural rule about the burden of proof. In other words, it can not determine the real holders of rights on a real estate finally. When somebody raises an objection to the correctness of the real register, the presumption of register can be rebutted by opposite evidences. And the rules in the substantive laws, such as § 17 I of Chinese Marriage Law, can also negate the presumptive correctness of the register.

Key Words: real estate register, presumptive correctness of register, Chinese Property Law

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《法学研究》创刊三十周年纪念活动

2009年12月26日,中国社会科学院法学研究所在北京举行《法学研究》创刊三十周年纪念会。来自最高人民法院、最高人民检察院、全国人大法工委、中国社会科学院等部门的领导,各法律院校、法律报刊的代表和作者共一百多人出席。

至2010年4月,《法学研究》编辑部先后在东北、南京、上海、杭州、武汉、长沙、重庆等地举办了创刊三十周年系列座谈会。座谈会分别由黑龙江大学法学院、南京师范大学法学院、华东政法大学、浙江工商大学法学院、华中科技大学法学院、湖南大学法学院、西南政法大学承办。当地法律院校的学者及法学刊物的同仁参加了座谈。

与会者对《法学研究》三十年的工作给予了充分的肯定,对《法学研究》在实现我国法律学术转型方面发挥影响力寄予了很高的期许,并提出了许多建设性的意见。

编辑部衷心感谢各界、特别是作者三十年来给予《法学研究》的关心和支持,并将努力提高《法学研究》的学术水准,以更好地服务学界、服务学术、服务我国的法治建设。