

# **Aggressive commercial practices against competitors**

## **Abstract**

This thesis deals with aggressive business practices against competitors. Its aim is to define the concept of aggressive commercial practices against competitors and to subsume under this term, merits of unfair competition defined by law and selected case law merits of unfair competition, which fulfill the definition. The next objective is then the interpretation of the individual merits of unfair competition.

The first part of this thesis defines the term competitor and divides unfair commercial practices in two ways, namely based on their impact (against competitors and against customers) and based on the qualitative side of the practice (aggressive and deceptive). The Unfair Commercial Practices Directive has been used as a guideline for these divisions. Furthermore, this section includes a discussion of whether the misleading commercial practices against competitors exist and is concluded with the definition of aggressive commercial practices against competitors.

In the second part, the general clause of unfair competition is analyzed, the interpretation concentrating on those aspects of the term that have an impact on the practices falling under the aggressive practices against competitors term.

The third part deals with the merits of unfair competition falling within the scope of this work. For each of these merits of unfair competition, the analysis includes the following: wording of the clause and its interpretation, the rationale for the subsumption under aggressive commercial practices and some pertinent case-law.

The fourth part deals with the unnamed merits of aggressive commercial practices against competitors and their division. In it the selected individual case law merits falling under the definition of aggressive commercial practices defined in the first part of the thesis are interpreted. The interpretation is based primarily on the analysis of the case law containing the merits, followed by an analysis of the rationale for the subsumption.

**Key words: unfair competition, aggressive commercial practices, commercial practices against competitors, merits of unfair competition**