

SUMMARY

The diploma thesis - **Comparative advertising** – is focused on domain of unfair competition and comparative advertising in the Czech Republic, and also in the European Union. Considering that basically there is no society living completely separated from surroundings, it is evident, that Czech law system should be seen in the context of the European Union legal environment. Comparing the Czech law and the European Union legislation I came to the conclusion that both are in their substance in compliance with each other. This is an important fact leading to an effective harmonisation of the national regulations with European Union law. This was achieved through several directives. Furthermore, I also included many conclusions on decisions of courts of law, which play an important role in this field of law.

The diploma thesis is divided into six basic chapters. The first chapter defines economic competition and the law of economic competition. The second chapter is focused on unfair competition frame according to the Commercial Law (law no. 513/1991 of the Collection of Laws) and provides necessary information on the general clause, the keystone of unfair competition. The third chapter talks about the concept of advertising and comparative advertising including types and functions. The fourth chapter provides the historical overview of comparative advertising. In many countries all throughout Europe, as well as in the Czech Republic comparative advertising was formerly banned and considered as unfair competition (however, this fact has changed). The fifth chapter describes the current Czech comparative advertising and analyzes the conditions, under which the comparative advertisement is said to be allowed. I also included decisions made by the Court of Justice of the European Union. The last chapter deals with a defense against the comparative advertising. It proves the importance of court decisions and decisions of the Czech council of advertising

according to the Ethical codex since they put the finishing touches to the law system.

KLÍCOVÁ SLOVA/KEY WORDS:

1. Srovnávací reklama/Comparative advertising
2. Generální klauzule / General clause
3. Nekalá soutěž / Unfair competition