

Summary

Selected issues of unfair competition and legal protection against such conduct

The purpose of my thesis is to analyse one of the most frequent unfair competition practice, the misleading advertising and the possibilities of legal protection against this practice. The thesis is composed of six chapters, each of them dealing with different aspects of unfair competition.

The first chapter describes various attempts on the definition of the economic competition and explains the terms as economic aspect and benefit. The legal regulation of the economic competition includes direct and indirect regulation. Indirect regulation is based on exclusion of certain items or goods from the trading and on supervision of another category of items. Direct regulation is divided into antitrust law, that prevents elimination, restriction or another violation of economic competition, and into competition law, that prohibits the competitors from using unfair practices in the battle for customer.

In the second chapter the unfair competition, its development and its subjects are covered. One of the most essential elements of an unfair competition, the „general clause“ concept, is outlined in this chapter by characterization of its attributes and its relationship to special states of facts of an unfair competition. Certain behaviour must contain all attributes specified in the „general clause“ accumulatively in order to be able to term this behaviour as unfair competition behaviour.

The third chapter, as a core of this thesis, analyses a legal regulation of advertising, in particular misleading advertising, in Czech and European legislations. The Czech legislation is examined in detail. The legal regulation of misleading advertising is contained primarily in Commercial Code, act No. 513/1991 Coll., as amended. The relevant judicial decisions that could be useful for understanding of misleading advertising institute are also attached.

The fourth chapter deals with legal means of protection against the unfair competition, such as action for cessation, for restitution, for reasonable satisfaction, for

damages and for unfair enrichment. In addition to these special provisions incorporated in Commercial Code, some universal provisions of Civil Code or some provisions of Civil Procedure Code can be applied.

The last chapter consists of summary of foregoing chapters and of motions to improvement in contemporary legal regulation of misleading advertising.