

## **Resumé**

### **Community Law Against Unfair Competition**

The purpose of my thesis is to analyze the European legislation on unfair competition, its application by Court of Justice of the European Union (hereinafter referred to as “CJ EU”) and its implementation into Czech law.

The thesis is composed of six chapters. Chapter One is dedicated to the general explanation and description of the unfair competition and its subjects.

Chapter Two examines the background and evolution of the harmonization process on unfair competition on European level and summarizes present applicable directives. It also provides a brief note on respective Czech regulation in which these European directives were implemented.

Chapter Three is dedicated to the subject of misleading advertising as defined by the Directive 2006/114/EC. The first part of this chapter provides a description of misleading advertising, second part illustrates the approach of CJ EU in its decisions. Third part is concerned with the Czech regulation of misleading advertising while it can be concluded that Czech regulation is sufficient according to required European standard without further need of implementation.

Chapter Four is concerned with the comparative advertising and is subdivided into three main parts. Its first part contains a summary of conditions under which the comparative advertising is permitted. Second part is dedicated to decisions of CJ EU on the matter of interpretation Directive 2006/114/EC with respect to comparative advertising. Third part contains the implementation of comparative advertising into the Czech law with description of irregularities arising out of different wording and the conclusion about present Czech wording of the comparative advertising being identical with the Directive.

Chapter Five focuses on the unfair commercial practices. The aim of this chapter is to provide the reader with information on the structure of the Directive 2005/29/EC and definitions of the relevant subcategories of unfair commercial practices. This chapter also provides a look on the implementation of this Directive into the Czech law while it recognizes the dissolution of the law on unfair competition into public and private law.

The last chapter provides a review of the means to combat the unfair competition as stated in both Directives and concerns the Czech implementation of reverse evidence burden in case of a consumer being party of dispute before court.