

The Comparative Advertising – development of regulation in the Czech legal order

Resumé

My thesis analyzes the legal regulation of the comparative advertising in the Czech Republic. It deals not only with the current legislation, but it looks at the historical development and future perspectives too. The goal of my thesis is to provide a thorough guide to the development of its legal regulation within the particular eras of the Czech history, describe different approaches of legislators, judges and professionals, and eventually, I try to evaluate the current situation and draw conclusions.

At the very beginning after my introduction I put a short chapter containing a few words about the term “comparative advertising” itself and about the different types of comparative advertising. Then, in the following chapter I chronologically address the issues of legal legislation in the history of the Czech Republic: the first part is dedicated to the time period of so called “First Republic” and its Law on protection against unfair competition and its vast judicature. The second part is concerned with the socialist era in our history, the complete rejection of the economic competition as such and the logical decline in the interest in the unfair competition legislation. The last two parts of this chapter mention the situation after the Velvet Revolution, the free market economy comeback, the dramatic changes in Czech unfair competition legislation and the influence of European law.

The heart of my thesis lies in chapter Four that focuses on the current situation in the Czech legislation on comparative advertising. It compares the wording of the Czech commercial code and the European directive, analyzes the differences in its legal definition and the individual conditions of admissibility and it refers to the most important decisions of the Court of Justice of the European Union on this topic. Subsequently, I mention the Czech judicature, self-regulation and public law aspects of comparative advertising. Finally, in chapter Five I look at the future prospects. The conclusions are drawn up in chapter Six.