

Abstract

The topic of this thesis is „ Protection of goodwill of a legal entity“. It is an issue which deserves an attention, but seldom can man find any legal literature or essays on this topic, especially in comparison with the sphere of protection of personal rights. As the modern age moves ahead, there are more legal entities and also it is much easier to affect the right to goodwill of a legal entity and the encroachments are becoming more frequent. Due to the tense wording of the Sentence 19b of the Act No. 40/1964 Coll., Civil Code, as amended, it is necessary to follow the practice of the courts to describe this topic. So it is in this thesis, which is primarily based on the judgements of the courts, especially from the decisions of the Supreme Court of the Czech Republic. The other sources, I used in this thesis, are the commentaries and other legal literature.

The aim of this thesis is to describe what exactly is goodwill, how a person can interfere into the right to goodwill, in which circumstances the person will not be liable for the unjustified encroachment, and if it is found, that the person is liable for the unjustified encroachment, how can the legal entity defend its rights before the court.

The thesis is divided into eight chapters, from which the first and the last ones are introduction and conclusion.

The second chapter is about historical development of the given topic in Czech area.

The third chapter briefly describes the individual rights of a person (natural person) and their protection.

The fourth chapter is divided into two parts. One part is dedicated to the brief characterization of legal entities, and the other part is dedicated to the protection of a name of a legal entity.

The fifth chapter makes the heart of the matter. It describes the protection of goodwill of a legal entity granted by civil law and it is divided into four subchapters. The first subchapter analyzes a Czech legal regulation of the protection of goodwill in current civil code and in the new civil code. The second subchapter deals with the definition of goodwill and its duration. The third subchapter defines encroachment and the

circumstances in which the encroachment will not be considered as unjustified. The last subchapter is about the protection of goodwill before court, especially about the way man can reach the court.

The sixth chapter briefly compares the Czech legal regulation of the protection of goodwill with German and Austrian legal regulation.

The seventh chapter is about the legal regulation of the protection of goodwill in the regulation different from the civil code.