Abstract

The Commercial contract of purchase (law and perspectives)

The contract of purchase is one of the most concluded contracts between artificial persons as well as between natural legal persons. It is surely appropriate to analyse modifications related to New Civil Code that is being drafted and means one of the biggest legislative changes that is being made in almost fifty years in the Czech private law.

Therefore, the purpose of my thesis is to analyze both an effective law of the commercial contract of purchase including the international level, and forthcoming changes first and foremost related to liability for defects, consequences for the attainment of the ownership from the wrongful proprietor in general as well as in connection with real estate.

I divided the thesis in two main parts; the first one is dealing with an effective law of the commercial contract of purchase, the second one is dealing with legal regulation in New Civil Code according to contract of purchase. Each of these parts is divided into minor chapters for better lucidity.

In the first part I describe International sale of goods regulated by United Nations Convention on Contracts for the International Sale of Goods and its application, then by effective law of the commercial contract of purchase in Czech Republic. Within the frame of Czech law I target the essentials of the contract of purchase, relations of liability and liability for defects and contractual warranty within. Afterwards, I analyze the possible claims of the parties in case of defect appearance together with forms of notification. The first part is closed by examination of the conflicting rules of law in the private sphere of the law.

The second part primarily deals with drafting of the New Civil Code in general, to be followed by the chapter about modifications and changes incidental to new codification. In the frame of these changes I analyze obligations of the seller; then I examine possible claims of the parties connected with faulty performance of the contract and its notification. In the next chapter I focus on deed of sale, which will be now possible between legal persons under one legal regulation. The last chapter deals with transfer of both movable and the real estate property, but mainly analyzes the possibility of acquisition of real estate property from the wrongful proprietor which is, according to New Civil Code, found practicable.