

European Law Against Unfair Competition

Resumé

This diploma thesis deals with the European (EU) law against unfair competition, or more specifically with the legal regulation of two directives of European Union, which are the ones for the European law against unfair competition most significant, Misleading and Comparative Advertising Directive and Unfair Commercial Practices Directive. The purpose of this thesis is to provide comprehensive and understandable overview of the legal regulation of both above mentioned directives, to analyze selected judicature of the Court of Justice of the European Union related to these directives, to briefly outline interpretation problems arising from the transposition of both directives to the Czech legal order, which were identified by professional literature. The content of this diploma thesis is divided into 5 main chapters.

After the Introduction follows the chapter briefly defining the main notions, economic competition, competition law, the law against unfair competition and unfair competition. The second chapter deals with the development of the European Law against unfair competition till the present day.

The third chapter provides overview of the legal regulation of Misleading and Comparative Advertising Directive, describes factual basis of the misleading advertising and the impermissible comparative advertising. The fourth chapter contains overview of legal regulation of Unfair commercial Practices Directive. This chapter describes factual basis of the general clause of unfair commercial practices and the two small general clauses, misleading and aggressive commercial practices and contains the explanation of the relationship between the black list of the per se unfair commercial practices to the other provisions of Unfair Commercial Practices Directive. Both chapters, third and fourth, contain also analysis of the selected judicature of Court of Justice of the European Union, the examples of related Czech judicature and briefly present interpretation problems, which were identified by the professional literature in relation with transposition of both directives to the Czech legal order.

The last fifth chapter provides overview of the procedural provisions concerning the enforcement of the rules stated in both directives and also briefly characterises legal means of protection against unfair competition, or unfair commercial practices, which

provides Czech legislation. In the conclusion of this last chapter the future legal regulation of the means of protection against unfair competition in the new civil code is mentioned.