

## **ABSTRACT – Products Liability in Czech and American Law**

The main purpose of my thesis is to describe and compare certain aspects of products liability in the Czech legal system and the American one. The thesis is divided into four chapters, the fourth being the center part devoted to analyzing individual terms both systems have in common.

To be able to compare provisions relevant to products liability, the first chapter deals with pecuniary and non-pecuniary damage and conditions of liability for such damage in its first subchapter. The second subchapter explains the term defect and further discusses the obligation of proper performance when selling products and possible liability for a defective product. Third subchapter then contrasts these two types of liability and clarifies the differences between them.

Chapter two briefly examines the progression of products liability in the Czech legal system beginning with the Act No. 59/1998 Coll., Products Liability Act, followed by mentioning the relevant European directive and finally focusing on the new civil code soon to become effective.

The third chapter contains basic information on American products liability as a whole and explores the development of this type of liability through the course of American history. For a better understanding of products liability how it is known today, I also included a couple of material cases.

Finally, the main chapter of this thesis is subdivided into eight subchapters, which each deal with one term shared by both legal systems. The first subchapter characterizes the term product, so the second one can thoroughly analyze all types of product defects to conclude that the definition and kinds of defects are very much the same in both countries. Subsequently, differences between characterizations of the term manufacturer, strict liability and defenses available to manufacturers are explained in subchapters three, four and five. Sixth subchapter focuses on possible ways of harm caused to the plaintiff such as physical or emotional harm or economic loss and the next subchapter points out how such harm shall be compensated for. Last subchapter deals with the similarities of statute of limitations on a products liability claim.