

Commercial terms and clauses in business transactions

Abstract

The master thesis is focused on the topic of commercial (standard) terms and clauses in business transactions. With respect to increased demands on the entrepreneur, the relevant provisions will be interpreted differently in the business relationship than in the case of a consumer relationship. Standard terms standardize the contracting process and reduce costs. Legislation of commercial terms remains concise but it contains some news. Significant change is the express regulation of the knock-out rule, which is used to determine the final content of a contract in the case of conflict between standard terms. Section 1752 newly contains express regulation for unilateral change of standard terms. A major novelty is specific content/formal control of standard terms which is regulated section 1753.

Party is protected against the terms with which that party would scarcely have accepted had it been aware of them. Surprising terms are ineffective. The thesis is dedicated to problematic aspects, which arise in the case of contracting under standard terms. The thesis uses descriptive and comparative methods for accomplishment that goals.

Firstly I will try to define the notion of commercial terms. In the second chapter are presented requirements for valid incorporation of standard terms. Primarily for business transactions will be usual that both parties will use standard terms. The knock out rule will be introduced in the third chapter. The subject of the fourth chapter is the content control of standard terms. In the fifth chapter is analysed the issue of unilateral change and the end of thesis is shortly devoted to clauses provided in the rules of interpretation.

Key words: commercial (standard) terms, commercial clauses , business transactions,