

TITLE:

Non-competition clause

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ABSTRACT:

The aim of this thesis is to present a comprehensive description of the historical development of legal regulation of the non-competition clause from 1910 onwards, to point out the most important aspects of the current legal regulation, and to compare Czech legal regulation of this institute with its equivalent in German legal system. To achieve this aim, an analysis of the historical regulation of the non-competition clause is conducted and the positives and negatives of each regulation are presented. Emphasis is nevertheless put on the analysis of the present legal regulation of the non-competition clause in the Labour code. To put the Czech regulation of the non-competition clause into international context, a comparative analysis of Czech and German regulation is conducted, and the positives and negatives of the German regulation are assessed. The most important terms and concepts are introduced and defined in the first chapter to make their usage clear for the rest of the thesis. The second chapter is dedicated to the historical development of the regulation of the non-competition clause in the present-day Czech Republic. The historical development can be divided into two eras – the dividing point being the Labour code 1965 coming into effect on January 1, 1966. In the third chapter, a more detailed analysis of the present legal regulation of the non-competition clause is presented, including the most pressing problems and ambiguous points of the regulation; furthermore, the thesis presents the ways in which expert community and jurisprudence deal with these problems and ambiguities.

For this chapter, it is therefore especially important to use not only scientific articles and books, but also court rulings. In the fourth and last chapter of this thesis we present the current regulation of the non-competition clause in the German commercial code (HGB); we analyze the most important differences between German and Czech regulation, and emphasise points which could serve as an inspiration for a possible future Czech regulation of the non-competition clause.

KEYWORDS:

non-competition clause, labour law, labour code