

European Law Against Unfair Competition

Abstract

The diploma thesis deals with the “European law against unfair competition” and the emphasis is placed on providing understandable and comprehensive summary of European law represented by two leading directives of the European Union. The first one is called Unfair Commercial Practices Directive and it focuses on relations between businesses and customers, while the second one, called Misleading and Comparative Advertising Directive, concentrates on business to business relations. Moreover, the realm of unfair competition is richly complemented by the jurisprudence of the Court of Justice of the European Union, which dedicates many of its rulings to this problematic due to its indispensable significance.

The content of diploma thesis is divided into several chapters. The chapter following the Introduction gives brief definitions of the terms typical for this branch of law, for example competition or average consumer. The third chapter takes into account historical development of unfair competition at European union level and its direct impact to Czech legislation. For this reason, the fourth chapter includes a short discourse about unfair competition from the point of view of the latest Czech Civil Code.

Questions relating to consumers and protection of their interests are nowadays considered so significant that they have been treated in the separate fourth chapter. The intended goal was to achieve greater clarity and to emphasise the importance of consumers although consumer issues are also treated in connection with the main Directives in the next chapter.

The main content of this paper lies in the analysis of leading Directives in the fifth chapter. This chapter explains current legal situation and in addition provides a commentary on the transposition of Directives covering some interpretation issues arising from this transposition, as identified in professional literature. Moreover, this chapter is dedicated to analysis of selected judicature of the Court of Justice of the European Union, that provides comprehensive insight into unfair competition.

The chapters 6 and 7 serve as concluding chapters and focus on procedural provisions concerning the enforcement of the rules stated in the mentioned Directives both at the European level Directives and at the level of Czech Civil Code.