Resumé

European Law against Unfair Competition

This thesis focuses on the regulation of law against unfair competition adopted on the European Union level. The thesis is composed of two parts – the first one introduces legislative regulation of law against unfair competition, the second part analyses legal regulation of misleading and comparative advertisement as the examples of merits of unfair competition.

The first part of the thesis firstly overviews the law against unfair competition on the international level; the core of the thesis, however, lies in the overview of legislation adopted by the European Union. Within the summary of the European legislation it firstly introduces the background for the legislative activity of the European Union in the field of unfair competition. Subsequently, it is followed up by the overview of directives with the primary aim to protect European businesses and consumers against unfair competition. When introducing the directives it emphasises mainly the findings whether it was adopted under minimum or maximum harmonisation, therefore to which extend the member state legislators are free to diverge from the regulation adopted by the European Union. The aim of the forth chapter is to look at the law against unfair competition as a part of private law.

The second part of the thesis is composed of the fifth and the sixth chapter. The fifth chapter is devoted to a regulation of misleading and comparative advertisement. It examines to which extend it is a complex regulation of business-to-business relationships, as well as of the business-to-consumer relationships. The legal regulation according to the directives is supplemented by a practice of the Court of Justice of the European Union. The sixth chapter analyses protection against unfair advertisement in an online environment. For this purpose, the regulation of general law against unfair competition is enlarged by the electronic commerce directive which is a special regulation of an online behaviour.