

Disparagement as the facts of unfair competition

This master's thesis titled "Disparagement as the facts of unfair competition" deals with various aspects of the legal regulation of this unfair competition practice which is regulated by Act No. 89/2012 Coll., The Civil Code. The thesis also deals with the development of legal regulation in Czech territory, introduces the topic into the European context and compares some partial aspects with the Dutch law.

Disparagement is understood to mean an act by which a competitor states or spreads false statement about the situation, performance or product of another competitor, where such a statement can cause harm to that competitor. Disparagement is also an act by which a competitor states and spreads true statement about the situation, performance or product of another competitor, where such a statement is capable of causing harm to that competitor.

The aim of this work was a detailed analysis of disparagement as the facts of unfair competition including the assessment of its pros and cons, the presentation of the expert's opinions on its individual aspects and a summary of the possibilities of protection against derogatory practices focusing on the special private law protection provided by the Civil Code in the sections dealing with unfair competition. In this master's thesis, the descriptive, analytical and comparative method was used.

The thesis is divided into five chapters.

The first chapter, called "unfair competition", deals with unfair competition in general. The chapter is divided into four subchapters. These are devoted to the current legislation on unfair competition, unfair competition in the European context, the Dutch regulation of unfair competition and the absence of negotiations in business relations.

The second chapter, titled "disparagement", deals with the current legal regulation of disparagement of a competitor in the Czech Republic and the Netherlands. It is also devoted to the special legislation, which is the comparative advertising.

The third chapter is titled "development of legislation". This chapter is devoted to the legal development of unfair competition and disparagement in the Czech territory since the 19th century.

The fourth chapter, titled "disparagement with true X false statement", deals with the differences in discrediting using true and false information. It also compares certain aspects with the Netherlands case law.

The fifth chapter focuses on the protection against unfair competition, especially with legitimate defence according to the provisions of Section 2984 of the Civil Code and summarizes the possibilities of protection against discrediting practices focusing on the special private law protection provided by the Civil Code in the sections dealing with unfair competition.