

Material Publicity of Commercial Register

Abstract

The subject of the diploma thesis is the principle of material publicity applicable to persons registered in the commercial register and their obligations resulting from the registration in the Commercial Register to the liable persons within the entrepreneur. The legal regulation of material publicity has changed over time and is now regulated by Act No. 304/2013 on public registers of legal entities and natural persons, which stipulates it for all public registers.

The aim of the thesis is to find out if the current legal regulation is sufficient to oblige entrepreneurs in actions made on the basis of incorrect registration in the Commercial Register.

In the analytical parts of the thesis, a descriptive method was used, when the interpretation of domestic law was compared with the interpretation of Slovak and German law. Furthermore, the existing legislation was compared with the Czech jurisprudence, which interprets this legislation. On the basis of such comparisons in chapters 2. *Contradiction of the record with reality* and 3. *Contradiction of the record* are defined expert opinions on the obligation of the given area towards the obliged persons within the entrepreneur.

The thesis is divided into four parts. The first one aims to clarify the concept of material publicity as such, comparing its existing arrangements, i.e. the public register and the public list, and using them to derive its common features that could serve for the overarching concept of material publicity. The second part deals with material publicity in the context of incorrectly entered data in the Commercial Register. The third part deals with disputed entries in the Commercial Register in cases where the actual state of affairs is contrary to the conditions required by the legislation, when the current entry in the Commercial Register is either missing, or is up to date but the entry appears in something other than the actual status that was established in the act. The fourth part illustrates, using selected examples from practice, the consequences of material publicity resulting from incorrect or disputed entries in cases from jurisprudence.

Keywords: Material Publicity, Commercial Register, Public Registers