

Abstract

Acquisition of ownership title from a non-entitled person

This thesis deals with the institute of acquisition of ownership title from a non-entitled person with focus on the acquisition of movable property. The purpose of this institute is to compensate for the lack of the transferor's title to transfer the ownership right in certain justified cases. Acquisition of ownership title from a non-entitled person is an original way of acquiring property right and leads to the breaking of the legal principle *nemo plus iuris ad alium transfere potest quam ipse habet* - no one can transfer more rights to another than they possess themselves. Although almost ten years have passed since the new legal regulation, which introduced this institute in its current scope into the Czech legal system, has come into force, it is still possible to encounter a number of uncertainties accompanying this legal regulation. It is precisely their numerous occurrences that point to the need for a critical examination of this regulation. The subject is therefore still up to date and the case-law is constantly evolving. In particular, conclusions concerning the requirements of bona fides on the part of the purchaser must be sought primarily in the decision-making practice of the courts.

The thesis consists of an introduction, four main chapters divided into subchapters and a conclusion. The first chapter deals with the property right in general. The second chapter addresses the legal principles related to the regulation of the institute. The basic theoretical foundations represented by these principles are then reflected across the legal framework. In the third chapter, the author discusses the applicable legislation and case law, with emphasis on some interpretative ambiguities. The fourth chapter compares the Czech legal regulation with the regulation in the Austrian Civil Code. Despite some differences, the two legal regulations have a number of similarities. Nevertheless, it is necessary to carefully consider which conclusions of the Austrian doctrine shall be applicable in the context of the Czech legislation. The conclusion is then a summary of all the partial conclusions and findings in the thesis.

Key words: ownership title, acquisition from a non-entitled person, bona fides, comparison with Austrian law