

# **Material Publicity of Commercial Register**

## **Abstract**

The subject of this diploma thesis is the principle of material publicity applicable to persons registered in the commercial register, i.e. to entrepreneurs. 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 this thesis is to find out if the entrepreneur is bound by actions taken on the basis of an incorrect entry in the commercial register.

The methods of descriptive analysis of case law, comparative analysis of national and European legislation and comparative analysis of case law were used in the analytical parts of the work. These methods were used to answer a set of questions created in the preparatory pre-analytical stage.

The thesis is divided into seven parts. The first part deals with the definition of the commercial register, its legal regulation, purpose and basic legal principles of the commercial register. The second part aims to clarify the concept of material publicity of the commercial register and analyzes its aspects from the point of view of the positive and negative side. The third part deals with the purpose of material publicity, especially from the point of view of its negative side, which is pivotal due to the defined goal of the thesis. The fourth part deals with the applicability of the so-called raisin theory in the Czech legal system. The fifth part deals with the possibility of using the relevant legislation and jurisprudence relating to the material publicity of the cadastre in cases where the valid legislation and existing jurisprudence relating to the material publicity of the commercial register is not sufficient for the resolution of specific legal disputes. The sixth part describes the types of entries in the commercial register and the impact of material publicity on entrepreneurs depending on the specific type of entry, i.e. constitutive or declaratory entry. The last seventh part describes the types of incorrect entries in the commercial register and the impact of material publicity on entrepreneurs depending on the specific type of incorrect entry.

**Keywords: Material Publicity, Commercial Register, Entrepreneur**