

Summary

The main purpose of my thesis “Protection of Goodwill of a Legal Entity under the Civil Law in the media context” is to investigate the current legislation regulating the protection of reputation of legal entities. This topic has been paid little attention in comparison with the issue of protection of individuals. While there are countless publications as well as student essays concerned with protection of personal rights, there is only one Czech book addressing the issue – “Ochrana dobré pověsti a názvu právnických osob” by Stanislav Devátý and Petr Toman. This book was the main source of information for my thesis. However, the fact that its second (and last) edition was published in 2001 left plenty of room for my own work. I was determined to describe the current state of regulation and shed light on legal gray areas.

There were three questions in particular that I set out to answer:

1. In what situations should courts award pecuniary compensation in addition to moral satisfaction?
2. In what situations are the provisions of the Commercial Code on unfair competition to be applied? And when should we use the provisions of the Civil Code on the goodwill of a legal entity?
3. Which courts have the subject-matter jurisdiction to hear goodwill cases in the first instance?

This thesis is divided into nine chapters:

Chapter two is dedicated to protection of personal rights of an individual. This concept is arguably a model of sorts for protection of goodwill of a legal entity. Czech judicial decisions often use analogy with personal rights protection when dealing with protection of goodwill.

Chapter three describes legal entities in general – as separate entities possessing rights and duties.

Chapter four is to address the issue of the name of a legal entity, which is one of the personal rights of a legal entity.

In Chapter five I attempt to define “goodwill” from the economic point of view as well as the legal one.

Chapter six offers a brief history of protection of personal rights of legal entities.

Chapter seven is the salient part of my thesis. It investigates the individual means of protection of goodwill of legal entities. The first section of this chapter is of paramount importance as it deals with the very topic of my thesis – protection of goodwill of legal entities under the Civil Code. Other sections of this chapter are dedicated to other means of legal protection.

Chapter eight discusses procedural aspects of protection of goodwill of legal entities.

Finally Chapter nine concludes the thesis, summarizes and answers the questions that were presented at the beginning of the thesis.

There were two main sources of information that I used to write the thesis: firstly recent judicial decisions – particularly judgments of the Supreme Court and the High Court in Prague; secondly various commentaries on the Civil Code. Over the last two years, three major publishers of legal literature have published the current editions of their commentaries, so they could serve me as a source of latest information.