

Summary

The selected unfair competition practice and protection against such practice

The aim of the thesis is to analyze the phenomenon of misleading advertising and the possibilities of legal protection against that kind of unfair competition, within the comprehensiveness of Master's diploma thesis. I deal with the topic predominantly from the private law point of view. The aim of the thesis is, first, to summarize unfair competition and related terminology and, next, to outline its different aspects in detail and present related instruments of legal defence.

The thesis consists of nine chapters. Each of them is concerned with different aspects of unfair competition.

The Introduction describes the thesis topic, the structure of the thesis and its aim.

Chapter One defines the term 'competition' and describes the law regulating the right to competition, its limits and normative basis.

Chapter Two focuses on market competition and consists of two parts. The first one concentrates on legal definition of the term 'competition' and its general interpretation. The second one is addressed to competition law and its division.

Chapter Three explains the term 'unfair competition' and presents a detailed survey of subjects in unfair competition. Following subchapters examines 'competitors', 'consumers', 'other persons' and 'legal personalities entitled to protect interests of competitors/consumers'.

Chapter Four, in its three parts, explores an evolution of the unfair competition law on the international and communitarian level as well as its development in the Czech Republic. A reader is therefore familiarized with both historical and contemporary law.

Chapter Five deals with the term 'general clause' and the role it plays in the unfair competition law. The Chapter is subdivided into two parts. Part One analyses the general clause of Act No. 111/1927 Sb. z. a n. while Part Two the general clause of Commercial Code, Act No. 513/1991 Sb..

Chapter Six examines advertising from both legal and general point of view. Next, legal regulation of advertising is described and advertising is discussed with regard to respective EU directives and Code of Advertising Practice of Czech Advertising Standards Council.

Chapter Seven concentrates on instruments of legal defence against the unfair competition. Chapter Seven looks at different legal instruments of unfair competition according to the Commercial Code, rights of subjects in unfair competition and claims resulting from unfair competition. Certain instruments are subsequently described in detail.

Chapter Nine outlines applicable law *de lege ferenda*.

Finally, the Conclusion summarizes the thesis and reviews the fulfillment of the aim of the thesis, which was to present a comprehensive commentary on misleading advertising and instruments of legal defence against the unfair competition.

Keywords in English

competition

unfair competition

misleading advertising