

Abstract

This diploma thesis concern with the legal penalty for unfair competition from the perspective of private law. The goal of this thesis is to analyze the respective private law means of protection against unfair competition, which are governed by Act no. 89/2012 Coll., The Civil Code and the Law no. 99/1963 Coll., The Civil Procedure Code. Attention is also paid to the legitimation of subjects in disputes arising from unfair competition and private law protection against unfair competition on the social network.

Thesis is divided into the four chapters. Introduction of the first chapter is dedicated to law against unfair competition in general. The first subchapter sets out in detail general clause governed by § 2976 of the Civil Code, especially its historical development. The second subchapter deals with the new merits of the intrusive harassment, which was included due to the recodification of private law in the Czech Republic among the special facts of unfair competition provided by the Civil Code.

The second chapter of this thesis is focused on the legitimation of the subjects in disputes arising from unfair competition. This chapter deals with actively and passively legitimized subjects that arising in disputes from unfair competition and trying to specified these individual entities in detail. A special attention is in subchapters two and three is paid to competitors and customers, as the actively legitimized subjects in disputes arising from unfair competition.

In the third chapter, which is the key chapter of this thesis, is paid attention to individual private law means of protection against unfair competition. The first five subchapters deals with means which are regulated by the Civil Code. Subchapters six and seven, deals with means regulated by the Civil Procedure Code. Eighth subchapter deals with the so-called extrajudicial protection against unfair competition, and in the last subsection is a consideration de lege ferenda on corrective advertising as a possible means of protection against unfair competition.

In the introduction of the fourth and final chapter is closer look at the terms of use of the social network Facebook for participating in the competition. Conclusion of this chapter includes evaluating the possibility of protection against unfair competition on the social network, particularly with regard to its effectiveness.