

The Article 2976 - 2990 of the Act No. 89/2012 of Coll., the Civil Code

Unfair competition

§ 2976

Basic Provisions

(1) Who gets in the economic relations in conflict with the fair competition act to cause harm to other eligible competitors or customers, commits an unfair competition. Unfair competition is prohibited.

(2) unfair competition as referred to in paragraph 1 is particularly

- a) misleading advertising,
- b) misleading labeling of goods and services
- c) causing a likelihood of confusion
- d) free-riding on the reputation of the plant, product or services of another competitor,
- e) bribery,
- f) trivializing,
- g) comparative advertising, when it is not allowed as permitted
- h) violation of trade secrets,
- i) harassment and intrusive
- j) the risks to health and the environment.

§ 2977

Misleading advertising

(1) Misleading advertising is such advertising, which is related to business or profession, monitors to dispose of movable or immovable property or services, including the rights and obligations, deceives or is liable to mislead the administration or any other means the person to whom it is addressed or which reaches, and thus obviously capable of affecting the behavior of such persons.

(2) In determining whether advertising is misleading, account shall be taken of all its major characters. Particular consideration shall be given to data which contains about advertising

- a) the availability, nature, execution, composition, manufacturing process, date of manufacture or provision, fitness for intended purpose, applicability, quantity, geographical or commercial origin, as well as the formulation of detailed characters and other goods or services, including the anticipated results or outcomes and the use of essential characters or screening tests performed,
- b) price or the manner of determining it,
- c) the conditions under which the supplies or services, and
- d) the nature, properties and rights of the advertiser, such as in particular the identity, property, professional competence, his intellectual property rights or his awards and honors.

§ 2978

Misleading descriptions of goods or services

(1) Misleading descriptions of goods or services such designation, which is likely to cause economic relations in the mistaken belief that it identifies the goods or services originate from a

particular region or place or from a particular manufacturer, or that show a particular characteristic or a particular quality. Undecided is whether the designation was given immediately to the goods, packaging, business documents or elsewhere. It is also irrelevant whether the misleading sign has been directly or indirectly and in what way it happened.

(2) misleading information and generally operate in the economic relations customary to designate the kind or quality when connected to it an amendment capable of deceiving, especially using the word "right" or "actual" or "original".

(3) The provisions of the preceding paragraphs shall not affect other legislation on the protection of industrial or other intellectual property.

§ 2979

Common provisions on misleading advertising and misleading descriptions of goods or services

(1) Eligibility fool can have an indication in itself correct, if it can mislead the circumstances and context in which it was made.

(2) The assessment shall take into account also misleading to the additions, especially the use of expressions such as "kind", "type", "method", as well as výpustkám, abbreviations and general exterior finish.

§ 2980

Comparative advertising

(1) Comparative advertising directly or by implication identifies a competitor or goods or service.

(2) Comparative advertising is permitted if the comparison is concerned,

- a) if not misleading,
- b) it compares only the goods and services satisfying the same needs or intended for the same purpose,
- c) if objectively compares one or more material, relevant, verifiable and peculiar characteristics of goods or services, including price,
- d) to compare the product with designation of origin only to goods of the same sign,
- e) detract If a competitor, its status, its activities or their results or their label or unfair way of not seeing them, and
- f) does not offer the goods or services as an imitation or replica of goods or services covered by the trade mark or a competitor's name.

§ 2981

Recall a likelihood of confusion

(1) Whoever uses a person's name or special designation used by the race right after another competitor, causing a likelihood of confusion.

(2) causes likelihood of confusion as one who enjoys a special race or a special marking or labeling of the product, performance or commercial plant material, which circles the customer for a particular characteristic of the race.

(3) Likewise, creating a likelihood of confusion, who imitates a foreign product, its packaging or performance, unless it is an imitation of elements which are by definition the product functionally, technically or aesthetically determined, and imitator took all measures that can be on it required to eliminate the likelihood of confusion or at least greatly reduce, if these negotiations are likely to cause

likelihood of confusion or false impression of association with a competitor, his race, naming, special labeling or product performance or a competitor.

§ 2982

Riding on the reputation

Gimme the abuse rumors plant, product or services of a competitor to obtain the results for their own benefit or foreign business, the competitor would otherwise reach.

§ 2983

Bribery

Bribery under this Act, any act by which

- a) undertaking to a person who is a member of a statutory or other authority of another competitor or is employed by a competitor, directly or indirectly offer, promise or give any benefit in order that it achieved an unfair procedure at the expense of other competitors for themselves or another preference or any other competitor an unfair competitive advantage or
- b) a person referred to in subparagraph a) directly or indirectly asks, give or take a pledge for the same purpose any benefit.

§ 2984

Detraction

(1) make light of the negotiations, which give a competitor or expands the circumstances, performance or product of a competitor capable of this false information to cause harm competitors.

(2) make light of the introduction and expansion as well as information about the true circumstances, performance or product of a competitor if the competitor is eligible to cause harm. Unfair competition is not, if it was a competitor of such conduct forced by circumstances (legitimate defense).

§ 2985

Violation of trade secrets

Violation of trade secret is any act by which another person acting illegally shall be made available, for himself or for another use trade secrets, which can be used in competition and which he learned

- a) the fact that his secret was entrusted to or otherwise become accessible on the basis of his employment with the competitor or some other relation to him, or in the exercise of the functions to which the court or other authority called upon or
- b) own or strange behavior přičícím the law.

§ 2986

Intrusive nuisance

(1) Intrusive Harassment is communicating information on competitors, goods or services, as well as offer goods or services using telephone, fax machine, electronic mail or similar means, though such activity apparently does not want the recipient, or the disclosure of advertising in which its originator

concealing or blurring information whereby it can find and does not specify where the recipient can no extra cost to order termination of advertising.

(2) sends the advertisement to the email address which won the business in connection with the sale of goods or services, not an intrusive nuisance, if a trader uses this address for direct advertising for its own goods or services and the other party ad not banned, though it entrepreneur in obtaining addresses and every time it is to use advertising clearly pointed out the right order without any special termination costs of advertising.

§ 2987

Threat to health or the environment

Threat to health or the environment is an act whereby a competitor distorts competition by running production, product launches or executes threatening interest in protecting health and the environment protected by law, to acquire for himself or for another benefit at the expense of another competitors or customers.

Protection against unfair competition

§ 2988

A person whose rights have been threatened by unfair competition or infringed may claim against the violator to refrain from unfair competition, or to correct the defect. It may also require appropriate compensation, damages and unjust enrichment.

§ 2989

(1) The right to refrain from unfair competition violator to correct the defect or condition, apart from the cases mentioned in § 2982 to 2985 also to apply a legal entity authorized to defend the interests of competitors or customers.

(2) If the consumer exercises the right to refrain from unfair competition violator or to correct the defect and if in any case provided for in § 2976 to 2981 or § 2987, violator must prove that they did not commit unfair competition. If the consumer exercises the right to damages, the violator to prove that the damage was not caused by unfair competition.

§ 2990

Protection against restriction of competition

A person whose rights have been violated or threatened illegal restriction of competition, has the rights provided for in § 2988th