

Jurisprudence

Informations concernant l'affaire

ID national: Court of Cassation, Judgement C.15.0177.F

État membre: Belgique

Nom commun: N/A

Type de décision: Décision de la Cour suprême

Date de la décision: 04/04/2019

Juridiction: Hof van Cassatie

Objet:

Demandeur:

Défendeur:

Mots clés: Unfair commercial practices, Misleading advertising, B2B, Misleading statements, Judicial recourse

Articles de la directive

Misleading and Comparative Advertising Directive, [Article 3](#) Misleading and Comparative Advertising Directive, [Article 3](#) Misleading and Comparative Advertising Directive, [Article 5](#)

Note introductive

The commercial advertising campaign by a property developer stating that no fee for architectural services will be charged is misleading. It damages the professional interests of competing architects. The competitors, as well as the Architect's Association, may initiate proceedings for a cease and desist order of that misleading advertising.

Faits

A real estate company/property developer advertised that consumers who participate in the advertised new building projects would be charged no (a zero) fee for architectural services.

Question juridique

It is beyond doubt that the advertising is misleading and causes harm to the professional interests of other undertakings such as competing architects. The question arose as to whether the Architects' Association was capable of initiating proceedings to protect the general interest of the architects it represented.

Décision

The architects, as well as the Architects' Association, may initiate proceedings under Book VI of the Code of Economic Law (CEL) to obtain a cease and desist order.

Texte intégral: [Texte intégral](#)

Affaires liées

Aucun résultat disponible

Doctrine

Aucun résultat disponible

Résultat

The Court of Cassation reforms the judgement of the Court of Appeal of Brussels in as far as it denied the Architect's Association the right to initiate proceedings without proper motivation. The competitors, as well as the Architect's Association, may initiate proceedings for a cease and desist order of a misleading advertising wherein a property developer suggests that no fee for architectural services will be charged.