

## Rechtsprechung

### Rechtssachenbeschreibung

**Nationale Kennung:** 29 U 1852/09

**Mitgliedstaat:** Deutschland

**Gebrauchliche Bezeichnung:** N/A

**Art des Beschlusses:** Gerichtsbeschluss im Rechtsmittelverfahren

**Beschlussdatum:** 09/07/2009

**Gericht:** Oberlandesgericht - OLG (München)

**Betreff:**

**Kläger:**

**Beklagter:**

**Schlagworte:** aggressive commercial practices, coercion, contract law, payment, unfair competition

### Artikel der Richtlinie

Unfair Commercial Practices Directive, [Chapter 1, Article 2, \(d\)](#)

### Leitsatz

The enforcement of contractual claims, in particular payment claims, is linked to the fulfillment of a contract and therefore constitutes a commercial practice.

The announcement of the visit of a specialised money collection team can constitute an aggressive commercial practice.

### Sachverhalt

The contested facts in this case were simple and straightforward.

The defendant sent a reminder and announced the visit of a specialised money collection team to its debtors.

### Rechtsfrage

Does the announcement of the visit of a specialised money collection team constitute an unfair commercial practice?

### Entscheidung

The court considered that the behaviour of the defendant constitutes a commercial practice in the meaning of § 2 Nr. 1 UWG. A commercial practice includes every action of a person in favour of its own company which is linked to the fulfillment of a contract about goods or services.

The enforcement of contractual claims, in particular payment claims, is linked to the fulfillment of a contract and therefore constitutes a commercial practice according to § 2 Nr. 1 UWG.

The court concluded that the defendant's announcement of the visit of a specialised money collection team constituted, in this case, an unfair commercial practice according to § 4 Nr. 1 UWG, as it could be interpreted as such that the team was ready to enforce its claims by using violence.

This qualified as an inappropriate nuisance, according to § 4 nr. 1 UWG and was considered an aggressive commercial practice.

Volltext: [Volltext](#)

### Verbundene Rechtssachen

Keine Ergebnisse verfügbar

### Rechtsliteratur

Keine Ergebnisse verfügbar

### Ergebnis

The plaintiff's request was granted.