

**Ġurisprudenza****Dettalji tal-Każ**

**ID Nazzjonali:** Qorti Ta' L-Appell Seduta 24 ta' April 2009. Appell Civili Numru 15/2008

**Stat Membru:** Malta

**Isem Komuni:** N/A

**Tip ta' deċiżjoni:** Deċiżjoni tal-qorti sugġetta għal appell

**Data tad-Deċiżjoni:** 24/04/2009

**Qorti:** Qorti Ta' L-Appell (Valletta)

**Suġġett:**

**Rikorrent:** Maria Geraldine Attard

**Intimat:** Go Mobisle Communications Limited

**Kliem Principali:** deceiving commercial practice, misleading advertising

**Artikoli tad-Direttiva**

Unfair Commercial Practices Directive, [Chapter 2, Article 5, 4.](#)

**Nota Introduttiva**

(1) The term "unlimited" in contracts/agreements for internet services is a misleading commercial practice capable of deceiving the average consumer.

(2) The term "unlimited" in the tariff plan is not to be regarded as an exaggerated statement which is not meant to be taken literally.

**Fatti**

Defendant overcharged plaintiff when she had signed a contract stipulating "unlimited" access in the tariff plan.

The court acknowledged the fact that the word "unlimited" was found in writing (inserted by hand into the contract under the title "Tariff Plan").

The plaintiff made express reference to Articles 51A to 51J to Part VII of the Consumer Affairs Act, which renders a commercial practice misleading if it in any way, including its overall presentation, deceives or is likely to deceive the average consumer or is likely to cause him to take a transactional decision that he would not have taken otherwise.

**Kwistjonijiet legali**

Is the insertion of the word "unlimited" a misleading description for an internet access subscription?

**Deċiżjoni**

The Court of Appeal reasoned that plaintiff had been offered a service of "five gigabytes download" on an "unlimited" basis and that the Consumer Tribunal was correct in determining that the plaintiff had be to protected, as this was a clear misrepresentation of facts aimed at deceiving the consumer.

URL: [http://www.justiceservices.gov.mt/courtservices/Judgements/script\\_get\\_judgement\\_document.aspx?CaseJudgementID=54584](http://www.justiceservices.gov.mt/courtservices/Judgements/script_get_judgement_document.aspx?CaseJudgementID=54584)

Test sħiħ: [Test sħiħ](#)

**Każijiet Relatati**

Ebda riżultat disponibbli

**Letteratura Legali**

Ebda riżultat disponibbli

**Riżultat**

The appeal was dismissed.