

Case law**Case Details****National ID:** 1 O 2937/10**Member State:** Germany**Common Name:** link**Decision type:** Court decision, first degree**Decision date:** 22/12/2010**Court:** District Court Osnabrück**Subject:****Plaintiff:** not disclosed**Defendant:** not disclosed**Keywords:** advertisement, competition, confusion, false impression, misleading advertising, misleading commercial practices, nature of the trader**Directive Articles**Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 6, 1.](#)**Headnote**

A name plate displayed on the facade of the building in which a trader is established, may constitute a misleading commercial practice if such an advertisement is able to cause a false impression towards consumers with respect to the business' size, the relations of the trader located at the address with competitors established on the same address, and with other competitors established elsewhere.

Facts

The defendant advertised his office as "The House of Lawyers" on the facade of the building where the office was established. In fact, only two law offices were located in the respective building with three lawyers overall.

The plaintiff was a law office with eight lawyers in the same city. Furthermore, at least two law offices with four lawyers and several law offices with three lawyers were located in the same city.

The plaintiff requested a cease-and-desist order against the defendant to use the advertisement "The House of Lawyers".

Legal issue

The court was of the opinion that the name plate "The House of Lawyers" constitutes a misleading commercial practice, more precisely a misleading advertisement, if in fact only a minor number of lawyers practice law in this building.

Given the advertisement, the court held, consumers would expect an office of considerable size. Furthermore, according to the court, the consumers can perceive the advertisement as such that the lawyers located in the building concerned are in cooperation, which was not the case and was therefore again misleading.

Furthermore, it was held by the court that the advertisement concerned can lead to the false impression that the building is the seat of a local or regional lobby for lawyers, which was also not the case.

The court thus concluded that the defendant had breached the prohibition on misleading commercial practices.

Decision

Is it a misleading commercial practice to advertise a law practice as "The House of Lawyers", when in fact there are several other (and even larger) law offices located in the same town?

Full text: [Full text](#)**Related Cases**

No results available

Legal Literature

No results available

Result

The plaintiff's request was granted.