

Rechtspraak

Bijzonderheden van de zaak

Nationaal ID: Justice of the Peace Torhout, 5 October 2010

Lidstaat: België

Gangbare benaming: N/A

Soort beslissing: Rechterlijke beslissing, eerste aanleg

Datum beslissing: 05/10/2010

Gerecht: Vrederechter Torhout

Onderwerp:

Eiser: Belgacom

Verweerder: /

Trefwoorden: black list, inertia selling, payment, proof of intention, telephone, unwanted solicitations

Richtlijnartikelen

Unfair Commercial Practices Directive, [Annex I, 29](#).

Koptekst

The request of payment for a service which is activated by the trader after the consumer replied to an SMS, constitutes an aggressive commercial practice.

Feiten

The defendant, a consumer, had concluded a service agreement with the plaintiff, a telecom operator, for the provision of mobile telephone services. During the term of the agreement, the defendant received an SMS of the plaintiff to which the defendant responded. It later appeared that by responding to the SMS, the defendant was bound by a paying subscription of services with a sexual content.

After having received an invoice of the plaintiff for such services, the defendant refused to pay, stating that it had never ordered the disputed services.

Juridische kwestie

Does the requesting of payment for a service which is activated by the trader after the consumer replied to an SMS, constitute an aggressive commercial practice?

Uitspraak

The court ruled that the plaintiff does not prove that the defendant has requested the disputed service. According to the court, the mere response to an SMS sent by the plaintiff itself cannot constitute the acceptance of such a paying service.

As a result, the court ruled that the practice of the plaintiff by requesting payment for this service was contrary to the black listed provision of demanding immediate payment for products supplied by the trader, but not solicited by the consumer (inertia selling) (item 29 of the Annex I black list).

Integrale tekst: [Integrale tekst](#)

Verwante zaken

Geen resultaten

Rechtsleer

Geen resultaten

Resultaat

The court ruled against the plaintiff.