

**Legal Literature****Legal Literature Details**

**Member State:** Austria

**Title:** Protection of trade marks in terms of competition law by means of the UCP Directive -- Which changes are introduced by section 2 para 3 no 1 of the Austrian Unfair Competition Act with respect to the protection of trade marks?

**Subtitle:**

**Type:**

**URL:**

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**Reference:** ÖBI [Österreichische Blätter für Gewerblichen Rechtsschutz und Urheberrecht] 2008/38, pages 174-179

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**Keywords:** confusing marketing, imitation, trade mark

**Directive Articles**

Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 6, 2., \(a\)](#)

**Headnote**

This article deals with the effects of the implementation of article 6.2.(a) of the UCP Directive on trade mark protection. The author concludes that its national implementation in Austrian law (section 2 para 3 no 1 of the Austrian Unfair Competition Act) broadens the legal protection against imitations or replicas of goods and trade marks, although not all types of cases will in the future fall within the scope of the prohibition of misleading actions, and thus have to be resolved by applying the new general clause.

**General Note****Related Cases**

No results available