

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

**Member State:** Germany

**Title:** Federal Court of Justice: Misconceptions about the liberalization of the postal market does not constitute a deception - "Red Mailboxes"

**Subtitle:**

**Type:**

**URL:**

**Author:** M. KEFFERPÜTZ

**Reference:** Gewerblicher Rechtsschutz und Urheberrecht, Praxis im Immaterial und Wettbewerbsrecht (GRUR-Prax) 2010, 563

**Publication Year:** 2010

**Keywords:** competition, imitation, misleading actions, misleading commercial practices, precontractual information, replicas

**Directive Articles**

Unfair Commercial Practices Directive, [Chapter 2, Article 5, 4](#). Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 6, 1](#). Unfair Commercial Practices Directive, [Annex I, 5](#).

**Headnote**

The author summarizes and comments on the decision of the Federal Court of Justice (I ZR 214/07 - Rote Briefkästen).

The court in this case decided that misconceptions, which are based on the fact that some consumers are still not used to the fact that services are not only offered by a former monopolist company but also by competitors, do not constitute a misleading commercial practice in terms of Article 6 UCP Directive, on behalf of the competitors now allowed on the market.

The author is of the opinion that this verdict shows that former monopolist positions may not only have negative consequences within trademark law but also according to unfair competition law.

**General Note**

This case relates to the case of the Federal Court of Justice of 12 May 2010 (I ZR 214/07 - Rote Briefkästen), also submitted in this database.

**Related Cases**

No results available