

Legal Literature**Legal Literature Details**

Member State: Spain

Title: Denigration as illicit competing practice after reformation of the unfair competition and advertising legal regime.

Subtitle:

Type:

URL:

Author: R. LARA GONZÁLEZ

Reference: Aranzadi Civil-Mercantil Núm. 3/2011. Pamplona 2011.

Publication Year: 2011

Keywords: aggressive commercial practices, competition, false impression, false information, material distortion, material information, price comparison, proof of damage, quality mark, unfair competition

Directive Articles

Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 6](#) Unfair Commercial Practices Directive, [Chapter 4, Article 14](#)

Headnote

The author of this article first describes the importance of reputation for any entrepreneur or company and how this is a non-tangible asset that needs to be protected.

Next, the article focuses on denigrating advertising. It is stated that before implementation of the UCP Directive, actions against denigrating advertising were possible under both the advertising and unfair competition legislation. This created a perturbing enforcement issue that the Law 29/2009 amending the existing Unfair Competition and Advertising regulations in order to improve the rights of consumers and users, has resolved. With the old system, enforcement of the actions available under the advertising regulations did not require that the information provided by means of an advertisement was false. Even if it was true information, in the event its intended purpose was to denigrate a third party, said party was protected.

Conversely, the unfair competition regulations acknowledges the exceptio veritatis. Similarly, the unfair competition regulations require that denigration is effective, while the advertising legislation only required that the advertising action was suitable to damage a third party's reputation.

General Note**Related Cases**

No results available