

Legal Literature

Legal Literature Details

Member State: Poland

Title: Comparative advertising in the light of recent judgments of the European Court of Justice in Luxembourg

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Author: STEFANICKI, R.

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Directive Articles

Misleading and Comparative Advertising Directive, [link](#)

Headnote

The article focuses on different aspects of comparative advertising as assessed by the European Court of Justice (ECJ) in Luxembourg.

The author points out that advertising is very important instrument for attracting new customers and it has a significant impact on the development of the competitive market. Therefore, EU law legalized the use of comparative advertising as such an instrument.

Comparative advertising is defined as any advertising which explicitly or by implication identifies a competitor or goods or services offered by a competitor. The purpose of using a wide definition of comparative advertising is to cover different forms of reference to competitors and to apply this instrument to protect the consumer's interests.

The article provides a comprehensive analysis of the jurisprudence of the European Court of Justice concerning comparative advertising. The author points out that the ECJ often refers to general purposes and motives of directives in order to ensure the effective use of comparative advertising in the business practice. The author notes that the ECJ uses a teleological interpretation of law to achieve the expected results.

General Note

Related Cases

No results available