

# European Fair Trading Law The Unfair Commercial P

*Unfair Trading Practices*. 2016-04-22 Unfair trading practices is generally defined as consisting of deceptive, fraudulent, or otherwise injurious conduct, referring to practices that directly affect consumers or competitors. In business-to-consumer relationships, unfair trading practices may involve misleading claims and advertising, conditional selling, excessive pricing, discriminatory pricing, and other misrepresentations. In business-to-business relationships, the prohibited conduct may be trade mark infringement, misappropriation, false advertising, bait-and-switch sales tactics, unauthorized substitution of brands of goods, use of confidential information by a former employee to solicit customers, theft of trade secrets, breach of a restrictive covenant, trade libel, and false representation of products or services. In this edition of the Comparative Law Yearbook of International Business, practicing lawyers from Argentina, Austria, Brazil, China, Germany, Italy, Japan, Poland, South Africa, South Korea, Sweden, the United Kingdom, the United States, and the European Union examine unfair trading practices in their respective jurisdictions.

**Compensation of Private Losses** Reiner Schulze. 2011-08-29

European Law on Unfair Commercial Practices and Contract Law Mateja Durovic. 2016-07-28 The book examines the ambiguous relationship between the European law on unfair commercial practices and contract law. In particular, the manuscript demonstrates that the Directive 2005/29/EC on unfair commercial practices (UCPD) has had a major impact on contract law, despite the declaration concerning the formal independence between the two branches of law established by Article 3(2) UCPD. The insights and conclusions identified in the book contribute to a better understanding of European private law and the general process of Europeanisation of private law in the European Union, and in particular of contract law.

*The Consumer Benchmarks in the Unfair Commercial Practices Directive* Bram B. Duivenvoorde. 2015-05-11 This book investigates the regime of consumer benchmarks in the Unfair Commercial Practices Directive and explores to what extent this regime meets each of the goals of the Directive. In particular, it assesses whether the consumer benchmarks are suitable in terms of achieving the three goals of the Directive: achieving a high level of consumer protection, increasing the smooth functioning of the internal market, and improving competition in the market as such. In addition to providing a thorough analysis of the consumer benchmarks and their relationship to the goals of the Directive, at a more practical level, the book provides insight into the working and consequences of the benchmarks that can be used in the evaluation of the Unfair Commercial Practices Directive and its application by the CJEU. This assessment is important because the Directive, while promising to regulate unfair commercial practices in a way that achieves the Directive's goals, has removed the possibility for Member States to regulate unfair commercial practices themselves.

**European Fair Trading Law** Geraint G. Howells, Hans-W. Micklitz, Thomas Wilhelmsson. 2006 This volume is concerned with explaining the Unfair Commercial Practices Directive, exploring the many ambiguities in its drafting and considering its implications for trading and consumer protection within Europe as well as the relationship between European and national trade practices law.

The European Unfair Commercial Practices Directive Willem H. van Boom, Amandine Garde, Orkun Akseli. 2014

*National Judges and the Case Law of the Court of Justice of the European Union* Anna Maria Mancaloni, Elise Poillot. 2021-01-14 L'impatto del diritto dell'Unione europea sugli Stati membri si concretizza, in misura determinante, tramite regole e principi dettati dalla Corte di giustizia e destinati a essere applicati dai giudici nazionali. Il buon funzionamento del complesso sistema derivante dall'interazione tra l'ordinamento dell'Unione e i singoli

Stati membri presuppone, pertanto, un rapporto costruttivo tra la Corte di giustizia e le corti nazionali. Muovendo da tale premessa, il volume affronta le problematiche inerenti al 'dialogo' tra tutte le corti nazionali (di merito, supreme, costituzionali) e la Corte di giustizia. A tal fine sono stati chiamati a esprimersi, prima di tutto, gli stessi giudici che ne sono protagonisti: a questi ultimi è stato chiesto di illustrare, a partire dalla propria esperienza, le difficoltà di comunicazione, in senso ampio, riscontrate nel dialogo con la Corte di giustizia. Alla voce dei giudici si aggiunge, quindi, quella dei professori specializzati nel diritto comparato ed europeo.

*Cyber Consumer Law and Unfair Trading Practices* Cristina Coteanu.2017-03-02 Of great interest to practitioners, policymakers and academics - as well as to consumers and traders in general - this timely work addresses all important legal and practical issues that arise in connection with online trading. This important work outlines the existing legislation and legal jurisprudence in the EU and the US and exposes the potential for unfair commercial practices to arise from online contracts, electronic agents, disclosure of information, online advertising and online dispute resolution in cross-border transactions. The continuing prevalence of unfair commercial practices will ensure this book remains in great demand.

*Fair Trading in EC Law* Malek Radeideh.2005 Fair trading, that is to say the idea of a fair market-behavioral standard in the pre-contractual relationship between business and consumers, has played a fundamental role in EC law since the very beginning of the Community. After early attempts at horizontal harmonization failed, a piecemeal legislative approach was adopted, and has resulted in an inharmonious coexistence of numerous sectoral Community measures concerning fair trading. At the same time, the European Court of Justice has developed in its case law a general concept of fair trading on the basis of the EC Treaty provisions on free movement. The author provides a systematic and comprehensive analysis of primary law as interpreted by the European Court of Justice in its relevant case law and of Community legislation pertaining to fair trading. He demonstrates that the countless specific fair trading rules are based on a common general concept of fair trading. The author thus unveils a principle of fair trading in the *acquis communautaire*, which he defines not only in content but also in scope, proving it to be a general principle of Internal Market law.

**Green Trade and Fair Trade in and with the EU** Laurens Jan Ankersmit.2017 This book explores how EU law constrains the freedom of the EU, the Member States, and private bodies to adopt measures that seek to protect social and environmental interests abroad by placing conditions on production processes in other states. The permissibility of such process-based measures has been examined primarily within the World Trade Organization (WTO) context, but the challenges that they present are equally for the EU internal market system. Ankersmit identifies three core challenges posed by process-based measures from an EU law perspective: extraterritoriality, unilateralism and the competitive and democratic problems created by private rule-making. It examines these issues in the context of free movement, competition, public procurement, and EU tax law. This book will appeal to academics, policy makers and practitioners interested in trade and environment, the social impact of trade law, and European and international market regulation--

*Towards a European Unfair Competition Law* Rogier W. De Vrey.2006 The main aim of this book is to discuss the state of unfair competition law in the European Union. In this respect, the various efforts that have been made in the past to come to harmonization of this area of law and the reasons that they were only partially successful are reviewed. In addition, the International and European regulations that refer to unfair competition, like, e.g., the Paris Convention, the TRIPs and the recent 2004 Unfair Commercial Practices Directive are discussed. Also an overview is given of the unfair competition laws in the United Kingdom, Germany and the Netherlands with respect to the 'problem-areas' of slavish imitation, misleading advertising, denigrating one's competitor, trade secrets and finally, misappropriation of valuable trade assets. Unfair competition law is traditionally considered part of intellectual property law. Not only the relation of unfair competition law to intellectual property laws are therefore part of the

discussion but also the areas of consumer protection law (since unfair competition law is partly orientated towards consumer protection) and competition (as an economic concept) is the topic of thorough review.

European Consumer Protection James Devenney, Mel Kenny. 2012-04-05 This topical volume provides detailed analyses of European consumer protection law in both its theoretical and practical dimensions. Part I casts a critical light over consumer protection strategies and mechanisms in the EU, Part II critically explores responses to vulnerability and Part III contextualises aspects of European consumer protection law.

*Contract II* .2009-11-16 The present volume is the second of a series. In addition to revising those parts of the ACQP which were published in the "Contract I" volume, it presents numerous new rules, in particular on remedies for non-performance and on certain specific situations or contracts such as delivery of goods, package travel and payment services. The work is particularly aimed at enriching the current controversial debate on the way forward for European contract and consumer law stimulated by the European Commission's Proposal for a Directive on Consumer Rights. The Acquis Principles include: - General rules formulated on the basis of existing EC law - An accompanying commentary, outlining the foundations in the Acquis - Definitions of core legal terms and a glossary on terminology The Acquis Group aims to reformulate the present patchwork of directives, regulations and judgments on EC private law as a coherent Restatement, the Acquis Principles (ACQP). These Principles present the current state of EC law in a structure which allows readers to identify commonalities, contradictions and gaps in the Acquis.

*European Law on Unfair Commercial Practices and Contract Law* Mateja Durovic. 2016-07-28 The book examines the ambiguous relationship between the European law on unfair commercial practices and contract law. In particular, the manuscript demonstrates that the Directive 2005/29/EC on unfair commercial practices (UCPD) has had a major impact on contract law, despite the declaration concerning the formal independence between the two branches of law established by Article 3(2) UCPD. The insights and conclusions identified in the book contribute to a better understanding of European private law and the general process of Europeanisation of private law in the European Union, and in particular of contract law.

*Conflict of Laws and the Internet* Pedro de Miguel Asensio. 2020-04-24 The ubiquity of the Internet contrasts with the territorial nature of national legal orders. This book offers a comprehensive analysis of jurisdiction, choice of law and enforcement of judgments issues concerning online activities in the areas in which private legal relationships are most affected by the Internet. It provides an in-depth study of EU Law in this particularly dynamic field, with references to major developments in other jurisdictions. Topics comprise information society services, data protection, defamation, copyright, trademarks, unfair competition and contracts, including consumer protection and alternative dispute resolution.

**EU Law and Obesity Prevention** Amandine Garde. 2010-01-01 Since the 1980s, there has been an alarming increase in the prevalence of obesity in virtually every country in the world. As obesity is known to lead to both chronic and severe medical problems, it imposes a cost not only on affected individuals and their families, but also on society as a whole. In Europe, the Obesity Prevention White Paper of May 2007 - followed by the adoption of an EU School Fruit Scheme, the acknowledgement that food advertising to children should be limited, and proposed legislation to make nutrition labeling compulsory - has firmly placed obesity on the EU agenda by laying down a multi-sectoral strategy and a basis for future action. In accordance with this growing sense of urgency, this is the first book to offer an in-depth legal analysis of obesity prevention, with particular reference to Europe. It describes what the EU has done and could do to support Member States in fighting the obesity epidemic, and clearly shows the way to locating advocacy strategies within the framework of EU law. The thorough analysis includes a discussion of the following issues: the need to address nutrition and physical activity as important health determinants; the emphasis traditionally placed at EU level on food safety rather than food quality; the need for the development of databases on nutrition and physical activity, comparable common indicators and risk assessment mechanisms; mainstreaming public health into all EU policies; the scope of EU powers in the case law of the Court of Justice; the role of information

in the EU's obesity prevention strategy; the Commission's proposed Mandatory Nutrition Declaration; the Food Claims Regulation; the regulation of food marketing to children, and in particular the role of the Audiovisual Media Services Directive, the Unfair Commercial Practices Directive and industry self-regulation; food reformulation; the use of economic instruments in the EU's obesity prevention strategy, with an emphasis on the Common Agricultural Policy and the EU's taxation policy; and EU action in the fields of sport, occupational health and safety, and transport policy. The author convincingly shows that conflicts of interest inherent in market forces demand a strong EU intervention, preferably through legislation than self-regulation. She also demonstrates the urgent need to reach an agreement, on the basis of reliable data, about what is effective in practice to improve lifestyles. The study acknowledges that the law is not a panacea, but nonetheless has an influential role to play in making the healthy choice an easier choice, and must move decisively towards ensuring that the societal costs associated with obesity are sustainable, and that the ultimate goal of a healthy population is achievable. The book is essential reading for everyone involved or interested in the development of the EU's obesity prevention policy.

**B2B e-marketplaces** Patrick Van Eecke, Georgia Skouma.2006

**European Unfair Commercial Practices Directive** .2014

**Intellectual Property Law** Lionel Bently, Brad Sherman.2014 'Intellectual Property Law' is the definitive textbook on this subject. It clearly sets out the law in relation to copyright, patents, trade marks, passing off and confidentiality, whilst enlivening the text with illustrations and diagrams.

**Law Against Unfair Competition** Reto Hilty, Frauke Henning-Bodewig.2007-07-28 This book examines the present state of harmonization of unfair competition law in Europe. It discusses the particular approach to unfair competition law in the 10 new Member States and the possible impact on the future development of European unfair competition law. The book presents new insight in the importance of unfair competition law, especially in countries with a developing market economy.

**Unfair Competition Law** Frauke Henning-Bodewig.2006-01-01 The book delineates, with extraordinary clarity and precision, the working of unfair competition law throughout the European Union. Its four comprehensive chapters encompass: basic considerations of definition, subject matter, enforcement, and applicable law: international provisions under the Paris convention, TRIPS, and WIPO model law; analysis of relevant EC directives and regulations and ECJ jurisprudence; and extensive discussions of the national unfair competition laws of all 25 Member States. For each Member State, specific topics covered include such considerations as the following: sources of law; competition law in a nutshell; regulation of advertising; direct marketing; sales promotion; risk of confusion; disparagement, defamation; misappropriation, imitation; impediment of competitors; and breach of the law. The author also provides a selected bibliography of sources for each country. It would be difficult to find a more useful analysis of European Unfair Competition Law than this systematic study. It is practical, thorough, clarifying, and readable, all at the same time. The author untangles the most complex of apparent contradictions with impressive skill. Copies of this book will quickly take their places on the working shelves of interested practitioners, academics, and officials throughout Europe.

Fairness in EU Competition Policy : Significance and Implications Damien Gerard, Assimakis Komninos, Denis Waelbroeck.2020-06-03 The idea of fairness has recently re-entered the policy discourse underpinning competition law enforcement, in the EU and beyond. Of course, the term "unfair" can be found in the EU Treaty and the avoidance of consumers' exploitation is the ultimate aim of competition principles. Still, the boundaries of fairness as a driver of competition enforcement appear unclear and, for some, dangerously flexible. At the same time, whilst the application of competition rules has over the years been focusing on restrictions to the competitive process with the effect of harming consumers, a wave of cases recently brought or decided at EU and national level appear to be inspired by wide and somewhat elusive fairness considerations, including non-

discrimination, neutrality, equality of opportunities, natural justice or avoidance of abuse of law. Reference can be made to cases relating to product design, IP licensing, geo-blocking, network neutrality, privacy concerns or fiscal justice. This volume explores how fairness may guide competition enforcement, what its significance may be in explaining recent trends and actual outcomes, and what implications can be observed or expected by relying on a fairness standard in the design of substantive principles. Associating lawyers and economists, practitioners and academics, it discusses the boundaries of fairness in a world where the rationality of markets has been profoundly shaken by recent crises.

**Intellectual Property Law** Anne Flanagan, Maria Lillf Montagnani. 2010-01-01 Professors Flanagan and Montagnani have assembled a volume of essays recognizing that in a global information age, intellectual property is not merely a business asset, but a social phenomenon. The contributors marry consideration of fairness with exploration of efficiency, examination of economics with analysis of equity, drawing upon expertise and examples from both European and American law. The resulting collection will be an invaluable resource on both sides of the Atlantic, and around the globe. Dan L. Burk, University of California, Irvine, School of Law, US Intellectual Property Law examines emerging intellectual property (IP) issues through the bifocal lens of both economic analysis and individual or social justice theories. This study considers restraints on IP rights both internal and external to IP law and explores rights disequilibria from the perspective of both the rationale of IP law and the interface with competition law. The expert contributors discuss the phenomenon in various contexts of patent, trade secret; and copyright, each a tool to incentivize the growth of knowledge beyond innovation and creativity. This timely book will strongly appeal to academics, scholars, and postgraduate and PhD students interested in where and how the balance to intellectual property law is, should or could be set. Policymakers will also find this insightful resource invaluable.

Algorithmic Marketing and EU Law on Unfair Commercial Practices Federico Galli. 2022-08-30 Artificial Intelligence (AI) systems are increasingly being deployed by marketing entities in connection with consumers' interactions. Thanks to machine learning (ML) and cognitive computing technologies, businesses can now analyse vast amounts of data on consumers, generate new knowledge, use it to optimize certain processes, and undertake tasks that were previously impossible. Against this background, this book analyses new algorithmic commercial practices, discusses their challenges for consumers, and measures such developments against the current EU legislative framework on consumer protection. The book adopts an interdisciplinary approach, building on empirical findings from AI applications in marketing and theoretical insights from marketing studies, and combining them with normative analysis of privacy and consumer protection in the EU. The content is divided into three parts. The first part analyses the phenomenon of algorithmic marketing practices and reviews the main AI and AI-related technologies used in marketing, e.g. Big data, ML and NLP. The second part describes new commercial practices, including the massive monitoring and profiling of consumers, the personalization of advertising and offers, the exploitation of psychological and emotional insights, and the use of human-like interfaces to trigger emotional responses. The third part provides a comprehensive analysis of current EU consumer protection laws and policies in the field of commercial practices. It focuses on two main legal concepts, their shortcomings, and potential refinements: vulnerability, understood as the conceptual benchmark for protecting consumers from unfair algorithmic practices; manipulation, the substantive legal measure for drawing the line between fair and unfair practices.

**The European Unfair Commercial Practices Directive** Willem van Boom, Amandine Garde. 2016-02-11 One of the most important EU consumer protection directives of the past decade, the 2005 Unfair Commercial Practices Directive, or UCPD, is brought under examination in this stimulating volume. Bringing together leading experts in the comparative law and consumer law domain, the book discusses the impact of the Directive and whether the many possible issues identified at its inception have been borne out in practice. Divided into four parts of 'Implementation, Approximation and Harmonization', 'Vulnerability', 'The UCP Directive and Other Regimes', and finally 'Enforcement', the volume examines the

various policy developments, the growing body of case law, the decisions of relevant national enforcement authorities, as well as the legislative debates which have surrounded the implementation of the UCPD in Member States. This book provides a valuable assessment of the impact of a major EU directive almost ten years after its adoption, and as such will be of interest to academics, legal practitioners and the judiciary working in the areas of European and Consumer law.

Marketing and Advertising Law in a Process of Harmonisation Ulf Bernitz, Caroline Heide-Jørgensen. 2017-05-04 The law on marketing and advertising has undergone profound changes based on the EU directives on unfair commercial practices and misleading and comparative advertising. The legislation partially requires full harmonisation and contains a comprehensive blacklist of prohibited practices. However, in other areas, only minimum harmonisation is required. A comprehensive case law from the CJEU has emerged, but still many issues remain open, unclear and debated. The EU Commission has an active interest in the field and has published numerous reports on the question. In addition it has developed revised, comprehensive guidelines on marketing business to consumer (B2C), which are fully discussed here. Further Commission initiatives in the area on business to business (B2B) marketing are also in the making, underlining the importance of this new collection.

*The New European Law of Unfair Commercial Practices and Competition Law* Bert Keirsbilck. 2011-06-24 Since 2005 the law of unfair commercial practices has undergone a revolution. This book presents the first comprehensive and critical examination of Directives 2005/29/EC concerning unfair business-to-consumer commercial practices and 2006/114/EC concerning misleading and comparative advertising. The book offers the first detailed analysis of the various ways in which the two Directives have been transposed in the United Kingdom, Germany, the Netherlands, Belgium and France, with a particular focus on incorrect transposition. The analysis includes an overview of the enforcement possibilities before national courts and authorities, and as such will be a valuable source for all practitioners, policy makers and academics working in the field of unfair trade law. Ultimately the aim of the book is to expound a sound interpretation of the relationship between unfair trade law and competition law in Europe, and it therefore engages in an original examination of these two cornerstones of European economic law. The author argues that unfair trade law and competition law should be understood as 'living apart together' - complementary but autonomous and sometimes even conflicting.

*European Fair Trading Law* Geraint Howells, Hans-W. Micklitz, Thomas Wilhelmsson. 2016-04-22 The Unfair Commercial Practices Directive is the most important directive in the field of trade practices to have emerged from the EC but it builds upon European activity which has sought to regulate trade practices on both a sectoral and horizontal level. It is an umbrella provision, which uses general clauses to protect consumers. How effective this approach is and how it relates to the existing *acquis* are fundamental issues for debate. This work provides a critical appraisal of the Unfair Commercial Practices Directive linking discussion of it to general debates about how fair trading should be regulated. It explains how the Directive fits into the existing *acquis*. It also examines national traditions where these are necessary to explain the European approach, as in the case of general clauses. The book will be a valuable tool for any student of consumer law seeking to understand the thinking behind the directive and how it will affect national laws. It will also influence policy makers by suggesting how the directive should be interpreted and what policy lies behind its formulation. Businesses and their advisers will use the book as a means of understanding the new regulatory climate post-the directive.

The Politics of Judicial Co-operation in the EU Hans-W. Micklitz. 2005-07 Three case studies look into judicial co-operation between Member States and the ECJ.

*The Yearbook of Consumer Law 2008* Mrs Deborah Parry, Ms Annette Nordhausen, Professor Geraint Howells, Dr Christian Twigg-Flesner. 2013-02-28 The Yearbook of Consumer Law provides a valuable outlet for high quality scholarly work which tracks developments in the consumer law field with a domestic, regional and international dimension. Furthermore, it provides an essential resource for all those, academic and practitioner, working in

the areas of consumer law and policy.

**Domestic Structures and International Trade** Candido Tomas Garcia Molyneux.2001-02 The author, a lawyer in Brussels and lecturer at the College of Europe in Natolin, places international trade law within an economic, political, and sociological context, focusing on the US and the European Union. Contending that, despite globalization, societies organize themselves differently and have diverse expectations of their governments and market actors, he explores how these differences affect the trading partners' policies in an age when nearly everything can be considered a matter of commerce. He also examines how domestic structures affect trade policy when the external world has a strong impact on the domestic sphere. Distributed by ISBS. c. Book News Inc.

**The Regulation of Unfair Commercial Practices under EC Directive 2005/29** Stephen Weatherill, Ulf Bernitz.2007-02-07 This book represents the fruit of a conference held in Oxford on March 3, 2006 under the auspices of the Institute of European and Comparative Law in the Oxford University Law Faculty. Directive 2005/29 is an important new measure in the construction of a legal framework apt to promote an integrated economic space in the European Union. It establishes a harmonised regime governing the control of unfair commercial practices. As such it represents an important exercise in the use of new rules and new techniques, and therefore poses new challenges to EU lawyers. The purpose of this book is to inform and to explore the issues raised by the Directive, issues which are of academic and practical interest, in helping to understand the evolution of European consumer law within the broader programme of European market regulation. The intense practical significance of this Directive, which heralds a new regime, is likely to provoke commercial operators to seek to exploit opportunities to pursue practices previously suppressed.

*Coherence and Fragmentation in European Private Law* Pia Letto-Vanamo, Jan Smits.2012-08-31 One of the most important characteristics of today's private law is that it increasingly flows from different sources: Next to national legislation and case law, it is also shaped by European and supranational sources and rapidly becoming a mixture of differently oriented rules and principles. This development can be described as one from coherence to fragmentation. The aim of the new book is to consider how this important shift has worked out in different subfields of the law like in contract and property law, in competition, insurance, marketing and private international law as well as in the law of intellectual property. This cross-disciplinary approach shows how pervasive legal fragmentation has become, and points out how to remedy the adverse effects it brings with it. The volume is therefore indispensable for anyone interested in how Europeanisation affects national private laws.

*The Forthcoming EC Directive on Unfair Commercial Practices* Hugh Collins.2004-01-01 To encourage cross-border transactions in the Single Market of the European Community, the Commission has proposed general framework legislation to set general standards that forbid unfair marketing practices towards consumers, thereby increasing consumer confidence when deciding whether or not to shop abroad in the Community, either in person or through modern methods of electronic purchasing through the Internet. The essays in this volume critically examine the proposed Directive that prohibits unfair commercial practices, and in particular they consider the potential legal and economic implications of a legal duty to trade fairly in the context of general contract law, the protection of consumers, and the needs of competition policy. The distinguished authors of these essays, from Finland, Germany, Italy, The Netherlands, Spain, and the United Kingdom, explain the different approaches of national legal systems to the legal regulation of marketing practices, and assess the compatibility of the proposed Directive with national law and its likely success in achieving the promotion of trade in the Single Market. About the author Hugh Collins is Professor of English Law at the London School of Economics. He studied law at Oxford and Harvard. He has published extensively in the field of contract law including *The Law of Contract* 4th ed (London, Butterworths, 2003), and *Regulating Contracts* (Oxford, Oxford University Press, 1999).

*The Average Consumer in Confusion-based Disputes in European Trademark Law and Similar Fictions* Rasmus Dalgaard Laustsen.2019-11-06 This book contends that, with regard to the likelihood of confusion standard, European trademark law applies the average consumer incoherently and inconsistently. To test this proposal, it presents an analysis of the horizontal and vertical level of harmonization of the average consumer. The horizontal part focuses on similar fictions in areas of law adjacent to European trademark law (and in economics), and the average consumer in unfair competition law. The vertical part focuses on European trademark law, represented mainly by EU trademark law, and the trademark laws of the UK, Sweden, Denmark and Norway. The book provides readers with a better understanding of key aspects of European trademark law (the average consumer applied as part of the likelihood of confusion standard) and combines relevant law and practices with theoretical content and other related areas of law (and economics). Accordingly, it is an asset for policymakers and practitioners, as well as general readers with an interest in intellectual property law and theory.

**The Politics of Justice in European Private Law** Hans-W Micklitz.2018-11-15 The Politics of Justice in European Private Law intends to highlight the differences between the Member States' concepts of social justice, which have developed historically, and the distinct European concept of access justice. Contrary to the emerging critique of Europe's justice deficit in the aftermath of the Euro crisis, this book argues that beneath the larger picture of the Monetary Union, a more positive and more promising European concept of justice is developing. European access justice is thinner than national social justice, but access justice represents a distinct conception of justice nevertheless. Member States or nation states remain free to complement European access justice and bring to bear their own pattern of social justice.

**The Concept of Abuse in EU Competition Law** Pinar Akman.2012-02-03 The objective(s) of Article 102 TFEU, what exactly makes a practice abusive and the standard of harm under Article 102 TFEU have not yet been settled. This lack of clarity creates uncertainty for businesses and, coupled with the current state of economics in this area, raises an important question of legitimacy. Using law and economic approaches, this book inquires into the possible objectives of Article 102 TFEU and proposes a modern approach to interpreting 'abuse'. In doing so, this book establishes an overarching concept of 'abuse' that conforms to the historical roots of the provision, to the text of the provision itself, and to modern economic thinking on unilateral conduct. This book therefore inquires into what Article 102 TFEU is about, what it can be about and what it should be about regarding both objectives and scope. The book demonstrates that the separation of exploitative abuse from exclusionary abuse is artificial and unsound. It examines the roots of Article 102 TFEU and the historical context of the adoption of the Treaty, the case law, policy and literature on exploitative abuses and, where relevant, on exclusionary abuses. The book investigates potential objectives, such as fairness and welfare, as well as the potential conflict between such objectives. Finally, it critically assesses the European Commission's modernisation of Article 102 TFEU, before proposing a reformed approach to 'abuse' which is centred on three necessary and sufficient conditions: exploitation, exclusion and a lack of an increase in efficiency.

*The Unfair Commercial Practices Directive* European Commission. Directorate-General for Health and Consumer Protection.2006 Recoge:1. Time for clear legislation - 2. Unfair commercial practices - 3. Who is concerned? - 4. The black list - 5. Implementing the directive.

**Fundamental Rights in EU Internal Market Legislation** Vasiliki Kosta.2015-11-05 This book attempts to systematise the present interrelationship between fundamental rights and the EU internal market in the field of positive integration. Its intention is simple: to examine the way in which, and the extent to which, fundamental rights protection is realised through EU internal market legislation. To that end, the analysis is conducted around four rights or sets of rights: data protection, freedom of expression, fundamental labour rights and the right to health. The book assesses not only what substantive level of protection is achieved for these fundamental rights, but it also estimates whether there is a 'fundamental

rights culture' that informs current legislative practice. Finally, it asks the overarching question whether the current state of harmonisation amounts to a 'fundamental rights policy'. The book offers a much more varied picture of the EU's fundamental rights policy in and through the EU internal market than perhaps initially expected. Moreover, it builds the case for a more conscious approach to dealing with and enhancing fundamental rights protection in and through internal market legislation, and advocates a leading role for the legislature in the establishment of an internal market that is firmly based on respect for fundamental rights.

The European Unfair Commercial Practices Directive Willem van Boom, Amandine Garde. 2016-02-11 One of the most important EU consumer protection directives of the past decade, the 2005 Unfair Commercial Practices Directive, or UCPD, is brought under examination in this stimulating volume. Bringing together leading experts in the comparative law and consumer law domain, the book discusses the impact of the Directive and whether the many possible issues identified at its inception have been borne out in practice. Divided into four parts of 'Implementation, Approximation and Harmonization', 'Vulnerability', 'The UCP Directive and Other Regimes', and finally 'Enforcement', the volume examines the various policy developments, the growing body of case law, the decisions of relevant national enforcement authorities, as well as the legislative debates which have surrounded the implementation of the UCPD in Member States. This book provides a valuable assessment of the impact of a major EU directive almost ten years after its adoption, and as such will be of interest to academics, legal practitioners and the judiciary working in the areas of European and Consumer law.

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