

Overview Unfair Competition Act – UCA **(UWG)**

I. General

- Regulates both, the relationship between traders (B2B) and the relationship between traders and consumers (B2C)
- Legal basis in EU law is MCA-D 2006/114/EC with regard to B2B and UCP-D 2005/29/EC with regard to B2C

II. Purpose and scope of application

- The UCA serves the protection of
 - competitors
 - consumers and
 - other market participants

cf. Sec. 1 (1) UCA.

- Application requires a *commercial practice*, Sec. 2 (1) No. 2 UCA (not private conduct or acts of authorities)
- Takes a back seat to specific law on unfair commercial practices, Sec. 1 (2) UCA

III. Content

1. Prohibition of unfair commercial practices, Sec. 3 UCA
 - General clause B2B, Sec. 3 (1) UCA
 - General clause B2C, Sec. 3 (2) UCA
2. Breach of law, Sec. 3a UCA
3. Protection of competitors, Sec. 4 UCA
4. Aggressive commercial practices, Sec. 4a UCA
5. Misleading commercial practices, Sec. 5 UCA
6. Misleading by omission, Sec. 5a, 5b UCA
7. Comparative advertising, Sec. 6 UCA
8. Unacceptable nuisance, Sec. 7 UCA

9. Annex (to Sec. 3 (3) UCA)

- a) Misleading commercial practices, No. 1-23c
- b) Aggressive commercial practices, No. 24-32