

Andreas Patz

Gesetzesverstoß und Wettbewerbswidrigkeit

Studienarbeit

Gesetzesverstoß Wettbewerbswidrigkeit Andreas Patz

Albert A Gayle



Gesetzesverstoß Wettbewerbswidrigkeit Andreas Patz:

Gesetzesverstoß und Wettbewerbswidrigkeit Andreas Patz, 2005-03-21 Studienarbeit aus dem Jahr 2004 im Fachbereich Jura Zivilrecht Handelsrecht Gesellschaftsrecht Kartellrecht Wirtschaftsrecht Note 11 Punkte Universität Bayreuth Veranstaltung Seminar im Wettbewerbsrecht Sprache Deutsch Abstract Am 22.08.2003 legte die Bundesregierung einen Entwurf für das Gesetz gegen den unlauteren Wettbewerb UWG vor. Dieser Entwurf sieht eine grundlegende Modernisierung des Gesetzes vor, wobei als Begründung dafür zum einen die Notwendigkeit einer stärkeren Liberalisierung des Wettbewerbsrechts, zum anderen aber auch die Harmonisierung des europäischen Lauterkeitsrechts angegeben wird. Insbesondere wird die bisherige Generalklausel des § 1 UWG abgeschafft und ersetzt durch einen nicht abschließenden Beispielkatalog, der den Tatbestand des unlauteren Wettbewerbs in § 3 des Entwurfs, im Folgenden UWGE genannt, näher definieren soll. In Nummer 11 dieses Katalogs heißt es in der Beschlussempfehlung des Rechtsausschusses: „Unlauter im Sinne von § 3 handelt insbesondere wer einer gesetzlichen Vorschrift zuwiderhandelt, die auch dazu bestimmt ist, im Interesse der Marktteilnehmer das Marktverhalten zu regeln.“ Im Folgenden soll darauf eingegangen werden, wie dieser Tatbestand vor der Novellierung gehandhabt wurde, welche Schwächen dabei auftraten und inwiefern die Aufnahme dieses Tatbestands in den UWGE den derzeitigen Stand der Rechtstheorie beeinflussen kann.

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