

Jochen Lux

## Der Tatbestand der allgemeinen Marktbehinderung

### Ein Beitrag zu den Grenzen des Lauterkeitsrechts

[The Legal Elements of General Market Obstruction in the Unfair Competition Act. A Contribution to the Boundaries of the Law of Fair Trading.]



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Jochen Lux studies the legal elements of general market obstruction, which was developed in the 30s based on the blanket clause of the fair trading law in the court rulings of the Supreme Court of the German Reich and which has been one of the most controversial subjects in the fair trading law since then. Within the context of the extensive reform of the fair trading law in 2004, the lawmakers did include a comprehensive list of examples in the law in order to explain the new blanket clause of paragraph 3 of the Unfair Competition Act; however, cases of general market obstruction were not included explicitly as part of the law. Making use of the insight gained in the theory of competition, the author shows that it would be logical to abandon the legal elements of general market obstruction.

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