

## **A Comparative Study of the German Competition Laws Regarding Sec. 19 of the Fair Trade Law**

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### **Abstract**

Although Sec. 19 of the Fair Trade Law is placed in chapter 3 of that Law (Unfair Competition) , it contains provisions that deal not only with unfair competition (for example boycott and improper acquirement of trade secrets), but also with trade-restricting practices (such as imposing improper restrictions on trading counterparts' business activities). Moreover, it provides regulations against practices that can both be unfair and trade-restricting, such as discrimination without due cause, attempt to attract customers by causing another enterprise to refrain from competing in price or to take part in a combination or a concerted action.

Due to the facts that the Fair Trade Law had taken the German competition laws as model and that the provisions of Sec. 19 of the Fair Trade Law leave room for doubts and improvements, it is the purpose of this paper to first study the revelant German competition laws and then to point out how Sec. 19 of the Fair Trade Law can be better interpreted and revised.