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Editorial

This Special Issue of Právny obzor focuses on the law against unfair competition. As a traditional branch of private law, often referred to as the "law of the market", it is currently experiencing significant transformation. Although its primary objective – to ensure honest practices in economic rivalry – remains constant, the operational environment has changed substantially. The marketplace of 2025 is increasingly digital, borderless, and shaped by complex societal values that extend beyond economic efficiency. Immediate policy adaptation is crucial; failure to address these changes could lead to serious economic repercussions and tarnished reputations for regulators. As a result, the legal regulation of competition must reconcile the static nature of codified law with the dynamic and often disruptive phenomena of the modern economy, including influencer marketing, domain name speculation, and the ethical aspects of advertising.

The primary objective of this special issue is to analyze the evolving paradigms of unfair competition law, with particular emphasis on the interaction between emerging digital technologies, changing societal values, and the effectiveness of current legal mechanisms. This issue provides a rigorous scholarly platform for examining how these developments introduce new challenges to the regulation of economic competition in the mid-2020s. Contributors from leading academic institutions in Slovakia and the Czech Republic move beyond mere description of existing legislation, offering critical evaluations of its practical effectiveness. According to the specific articles, practitioners can expect concrete procedural recommendations for addressing enforcement barriers, navigating the influence of digital assets, understanding the ethical and moral dimensions of competition law, and utilizing comparative perspectives from Asian jurisdictions. These actionable insights aim to guide lawyers and judges in adapting to contemporary challenges and enhancing the enforcement of unfair competition laws.

The issue begins with a foundational analysis by Jozef Vozár of the Institute of State and Law at the Slovak Academy of Sciences, who evaluates the effectiveness of legal remedies against unfair competition. His article critically examines the Slovak procedural framework, identifying a tension between the substantive rights established in the Commercial Code and their practical enforcement. Vozár discusses the procedural dualism introduced by the Civil Dispute Order and the complexities arising from jurisdictional attraction in "cross-protection" cases involving intellectual property. A substantial part of his analysis addresses the limited effectiveness of damages as a remedy, due to the stringent burden of proof, and contrasts the Slovak context with Germany's more proactive procedural approach, especially in consumer cases.

Transitioning from procedural considerations to digital challenges, Radka Kopčová of the Faculty of Law at Pan-European University in Bratislava examines the tension between traditional industrial property rights and the realities of the internet in her article on domain name disputes. She investigates the ontological status of domain names, which have evolved from technical addresses to essential business identifiers. For instance, consider the story of a promising Slovak start-up that lost its crucial ‚.sk' domain to a speculative bidder. This setback, resulting in significant financial and brand value loss, underscores the legislative gap regarding the "transfer of domain" as a judicial remedy in Slovakia. Kopčová contrasts the Supreme Court's hesitance to order such transfers with the effectiveness of Alternative Dispute Resolution (ADR). The article persuasively argues that cybersquatting should be regarded not only as a technical issue but also as a violation of the general unfair competition clause.

The digital transformation has altered both the assets and the participants in economic competition. In a joint contribution with Jana Strémy of Comenius University in Bratislava, the phenomenon of influencer marketing is examined. The article analyzes the legal status of influencers and advocates their clear classification as "traders" subject to comprehensive consumer protection and competition law. It outlines the range of unfair practices prevalent in this sector, including hidden advertising, the purchase of fake followers, and the promotion of risky products to vulnerable groups. By comparing Slovak legislation with landmark decisions of the German Federal Court of Justice and recent Spanish regulations, the article proposes a "co-regulation" model to bridge the divide between inflexible statutes and evolving digital norms. The proposed model emphasizes "flexible oversight through co-regulation", offering a memorable mantra for policymakers to balance adaptability with control in the fast-evolving digital landscape.

While digitization tests the mechanisms of law, evolving social values challenge its underlying purpose. Josef Kotásek of Masaryk University in Brno addresses the contentious issue of sexist advertising. His analysis questions whether competition law should serve as a tool for regulating social morality and "bad taste". He identifies a conflict between the regulatory aim of safeguarding economic competition and the social goal of upholding human dignity. Kotásek contends that, although competition law should not function as a form of taste censorship, the concept of "breach of law" provides a coherent doctrinal framework. This approach enables sanctioning sexist advertising when violations of public law norms concerning human dignity result in unjustified competitive advantages. For instance, businesses that engage in sexist advertising may face consumer boycotts or reputational damage, which can, in turn, lead to a loss of market share and an unfair competitive disadvantage for those maintaining ethical standards. These market impacts underscore the importance of linking dignity breaches to potential economic harm, underscoring the relevance of integrating human dignity into competition law for economic-minded stakeholders.

To fully appreciate the distinctiveness of the legal system, it is necessary to incorporate comparative and international perspectives. Branislav Hazucha of Kyushu University provides a comparative analysis of unfair competition law in Japan, illustrating how

a legal system that lacks a broad "General Clause" and instead relies on an exhaustive list of prohibited acts addresses the complexities of contemporary commerce. He demonstrates how these approaches differ fundamentally from the European model. His analysis of the Japanese approach to passing off and the protection of famous marks against dilution highlights the influence of cultural and linguistic factors, such as those inherent in the Japanese writing system, on legal development. By juxtaposing the Japanese and European experiences, this comparative perspective challenges Eurocentric assumptions. It emphasizes the importance of diverse legal traditions in balancing legal certainty and flexibility in modern competition law.

The articles in this special issue demonstrate that, while the core principles of fairness and honesty persist, the mechanisms safeguarding these values require significant adaptation to remain effective amid rapid technological and societal change. The critical examination of procedural, digital, ethical, and comparative dimensions not only reveal the shortcomings of current legal frameworks but also identifies specific opportunities for doctrinal reform. Collectively, these analyses highlight that addressing contemporary challenges in unfair competition law necessitates a careful balance between legal tradition and innovation. By integrating the diverse theoretical and practical perspectives of the contributors, this special issue provides a comprehensive basis for reimagining unfair competition law to address the demands of a digital and globalized marketplace, ensuring that legal protections keep pace with emerging risks and societal expectations.

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