

## Case law

### Case Details

**National ID:** 2S-11

**Member State:** Lithuania

**Common Name:** link

**Decision type:** Administrative decision, first degree

**Decision date:** 23/04/2009

**Court:** Competition Council of the Republic of Lithuania (Vilnius)

**Subject:**

**Plaintiff:**

**Defendant:** UAB "Tikroji turto kaina"

**Keywords:** attributes of the trader, black list, false impression, misleading advertising, misleading commercial practices, regulated profession

### Directive Articles

Unfair Commercial Practices Directive, [Chapter 1, Article 2, \(d\)](#) Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 6, 1.](#) Unfair Commercial Practices Directive, [Annex I, 1.](#) Unfair Commercial Practices Directive, [Annex I, 4.](#)

### Headnote

Advertising of attorney services, where a trader is not authorized under the laws as an attorney, constitutes a false claim that a trader (including its commercial practices) has been licensed (authorised) and, therefore, constitutes an unfair commercial practice and misleading advertising.

### Facts

In the course of providing legal services the defendant used a number of advertising statements, including "The services of the best divorce attorneys", "The best divorce lawyers" "Especially qualified and cheap attorney services".

The defendant was not authorised to provide attorney services under the domestic laws.

### Legal issue

The Competition Council has stated that the defendant's activities in question constitute both advertising and commercial practices.

The Competition Council further investigated the compliance of the defendant's statements with the misleading advertising regulation which had been in place before introduction of an unfair commercial practices regulation.

The Competition Council referred to the Lithuanian Law on Advertising pursuant to which an advertisement is in all circumstances regarded as misleading if it falls within the misleading part of the blacklist. In particular, it has been referred to the prohibition to falsely claim that a trader (including its commercial practices) has been licensed (authorised).

The Competition Council found out that the defendant did not hold a license for providing an attorney services. Therefore, the said statements were concluded to be false claims that a trader (including its commercial practices) has been licensed (authorised).

### Decision

Does advertising of attorney services, where a trader is not authorized under the domestic laws as an attorney, constitute a false claim that a trader (including its commercial practices) has been licensed (authorised), and, therefore, constitutes an unfair commercial practice and misleading advertising?

URL: [http://www.konkuren.lt/index.php?show=nut\\_view&nut\\_id=1018](http://www.konkuren.lt/index.php?show=nut_view&nut_id=1018)

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### Related Cases

No results available

### Legal Literature

No results available

### Result

A number of the defendant's advertising statements were concluded to be an unfair commercial practice and a misleading advertising. A fine of LTL 11,500 (approx. EUR 3,286) was imposed on the defendant.