

**Case law****Case Details**

**National ID:** Decision no. 1207/2016

**Member State:** Romania

**Common Name:** link

**Decision type:** Court decision in appeal

**Decision date:** 29/02/2016

**Court:** Bucharest Tribunal

**Subject:**

**Plaintiff:** Unknown

**Defendant:** National Agency for Fiscal Administration

**Keywords:** advertisement, comparative advertising

**Directive Articles**

Misleading and Comparative Advertising Directive, [Article 4](#) Misleading and Comparative Advertising Directive, [Article 4, \(a\)](#) Misleading and Comparative Advertising Directive, [Article 4, \(d\)](#) Misleading and Comparative Advertising Directive, [Article 4, \(f\)](#)

**Headnote**

An advertising containing a direct reference to another advertising already used by a competitor constitutes comparative advertising.

**Facts**

The plaintiff conducted a promotion using the following advertising "Some boast the price revolution, we boast the fair price resolution". At the same time, a well-known competitor already promoted its products by using the advertising phrase "Price revolution", which was also registered as a trademark.

The competent body (the defendant) stated that the deed represents an infringement of letters a, d and f of article 6 of Law no. 158/2008 and, therefore, sanctioned the plaintiff for the commitment of three misdemeanours.

The plaintiff submitted a court action against the defendant requesting the annulment of the minutes ascertaining the misdemeanours.

**Legal issue**

The court stated that the advertising is comparative in accordance with the relevant legal provision. However, a deed infringing several letters provided by art. 6 of Law no. 158/2008 triggers the application of only one sanction.

**Decision**

Does an advertisement containing a direct reference to another advertising already used by a competitor constitute comparative advertising?

Full text: [Full text](#)

**Related Cases**

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**Legal Literature**

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**Result**

The court admitted the action in part.