

Unfair Business Practices Act

(1061/78 amendments up to 461/2002 included)

Section 1

Good business practice may not be violated nor may practices that are otherwise unfair to other entrepreneurs be used in business.

The commercial purpose of marketing and the party on whose behalf the marketing is done shall clearly appear from the marketing. (461/2002)

Section 2

A false or misleading expression concerning one's own business or the business of another may not be used in business if the said expression is likely to affect the demand for or supply of a product or harm the business of another.

An expression that refers to irrelevant circumstances or that is presented or formulated in an unsuitable manner may not be used in business if the said expression is likely to harm the business of another.

The provisions of chapter 2, section 4a, of the Consumer Protection Act (38/1978) shall apply on comparative advertising in business. Furthermore, in comparing special offers, the validity of the offer shall be clearly indicated, and if the offer is valid only until stocks are exhausted, it shall be indicated. (1073/2000)

Section 3

A benefit that depends on a lottery or that is otherwise based on chance may not be promised in business if receipt of the benefit requires the sale, purchase or ordering of a product or otherwise requires consideration.

The provision in the first subsection shall not apply to prize contest tasks organised in newspapers and periodicals as customary entertainment.

If discounts, additional benefits or other specific benefits are offered in the marketing or if the marketing involves disposal by lottery, prize contests for the public or games, the conditions for receiving the benefits or for participating in the lottery, contest or game shall be stated in a clear and comprehensible manner and be easily accessible. (461/2002)

Section 4

No one may unjustifiably obtain or seek to obtain information regarding a business secret or use or reveal information obtained in such a manner.

Whoever obtains information regarding a business secret while in the service of an entrepreneur may not unjustifiably use or reveal it while still in service in order to obtain personal benefit or benefit for another or in order to harm another.

Whoever receives information regarding a business secret while performing a function on behalf of an entrepreneur, or who has been entrusted with a technical model or technical instructions so that he can carry out work or a function or otherwise for business purposes, may not unjustifiably use or reveal this.

Whoever has been informed by another of a business secret, a technical model or technical instructions in the knowledge that the said person has unjustifiably obtained or revealed the information may not use or reveal this.

Section 5

Section 5 has been repealed.

Section 6

An entrepreneur may be prohibited from continuing or repeating practices that violate sections 1 - 3. The prohibition may be reinforced through a conditional fine, unless this is unnecessary for a special reason.

If there is a special reason for this, the prohibition may also be directed at a person in the service of an entrepreneur referred to in the preceding first subsection, or at another person acting on his behalf.

An entrepreneur who in violation of section 4 has used the business secret, technical model or technical instructions of another or revealed any of these may be prohibited from continuing or repeating such practice. The prohibition shall be reinforced through a conditional fine, unless this is unnecessary for a special reason. (405/1986)

Section 7 (1532/2001)

The prohibition referred to in section 6 shall be imposed by the Market Court. The Market Court may also impose a temporary ban, which shall remain in force until the case is finally decided.

In addition to the above provisions, the Market Court Act (1527/2001) and the Act on Certain Proceedings before the Market Court (1528/2001) shall apply to the Market Court and to proceedings in the Market Court.

Section 8 (1532/2001)

In imposing the prohibition referred to in section 6, the Market Court may order the entrepreneur to undertake appropriate remedial action within a specified period, if this is deemed necessary on the grounds of the evident harm caused by the act. The order may be reinforced through a conditional fine.

On the motion of the plaintiff, the Market Court may order that the decision in a case involving a prohibition shall be published in one or more newspapers or periodicals at the expense of the defendant. The publication of a decision on a temporary ban may not be ordered.

Section 9 (810/1990)

Whoever violates deliberately or out of gross negligence the provisions of sections 2 or 3 shall be sentenced to a fine for a *violation of the competition rules relating to business practices*, unless a more severe sentence is provided for elsewhere in law for the act or omission.

Whoever deliberately violates the provisions of section 2 (1) commits an offence referred to in section 2 of chapter 30 of the Penal Code and shall be sentenced for *an infringement of the competition rules relating to business practices* in accordance with the Penal Code.

Section 10 (810/1990)

Whoever in violation of the provisions of section 4 deliberately uses or reveals a technical model or technical directions shall be sentenced to a fine for *abuse of a technical model or technical directions* or to imprisonment for six months at most, unless a more severe sentence is provided for elsewhere in law for the act or omission.

Whoever otherwise in violation of the provisions of section 4 deliberately commits an offence referred to in sections 4 - 6 of chapter 30 of the Penal Code shall be sentenced for industrial espionage or for breach or disclosure of a business secret in accordance with the Penal Code.

Section 11

Charges for a violation referred to in this Act shall be brought before a general court of first instance. The public prosecutor may not bring charges unless the injured party has reported the matter for the bringing of charges. (810/1990)

When considering cases referred to in sections 2 and 3 of this Act, the court shall reserve the Consumer Ombudsman an opportunity to be heard.

Section 12

This Act enters into force on 1 January 1979. It repeals the Act on the Prevention of Unfair Competition of 31 January 1930 (34/1930).