

Full title of law or regulation	The Act Against Unfair Competition (UWG - <i>Unlauterer Wettbewerbs Gesetz</i>). Date of Signature 3rd July 2004. Most recent version published on 3rd March 2010 (Federal Law Gazette [BGB]) Part I p. 254
Title of section	Annex; covers illegal commercial practices
Clauses	<p>Illegal commercial practices within the meaning of Section 3 subsection (3) shall cover:</p> <ol style="list-style-type: none"> 1. The false statement by an entrepreneur that he is a signatory to a code of conduct; 2. Displaying a trust mark, quality mark or the equivalent without having obtained the necessary authorisation; 3. Making the false statement that a code of conduct has an endorsement from a public or other body; 4. Making the false statement that an entrepreneur, a commercial practice by that entrepreneur, or goods or services have been approved, endorsed or authorised by a public or private body; or making the false statement that the terms of the approval, endorsement or authorisation have been complied with; 5. Making an invitation to purchase goods or services within the meaning of Section 5a subsection (3) at a specified price when the entrepreneur does not disclose that he has reasonable grounds for believing that he will not be able to supply these, or equivalent, goods or services, or procure such supply, at such specified price for a period that is, and in quantities that are, reasonable (bait advertising). Where stocks are available for less than two days, it shall be incumbent on the entrepreneur to furnish proof of reasonableness; 6. Making an invitation to purchase goods or services within the meaning of Section 5a subsection (3) at a specified price in a situation where the entrepreneur, with the intention of promoting different goods or services instead, then demonstrates a defective example of the goods or services, or refuses to show the consumer the goods or services advertised, or refuses to take orders for the goods or services or to perform the advertised service within a reasonable time; 7. Making the false statement that certain goods or services will only be available generally or on particular terms for a very limited time, in order to elicit an immediate transactional decision from the consumer without the latter having the time and the opportunity to make an information-based decision; 8. Making after-sale customer assistance available in a language which is not the language in which the negotiations were conducted before conclusion of the transaction, if the language originally used is not an official language of the Member State where the entrepreneur is located; this shall not apply if the consumer is informed before conclusion of the transaction that such services will be made in a language different from the language originally used; 9. Making the false statement, or creating the false impression, that goods or services can be sold with legal effect; 10. Making the false statement, or creating the false impression, that legally existing rights form a distinctive feature of the offer; 11. Using editorial content for the purpose of sales promotion where the entrepreneur has paid for this promotion, without such connection being clearly identifiable from the content or by images or sounds (advertorial); 12. Making a false claim concerning the nature and extent of the risk to the personal security of the consumer or his family if the consumer does not purchase the goods or services offered;

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13. Promoting goods or services similar to the goods or services of a particular manufacturer¹, with the intention of deceiving the consumer regarding the commercial origin of the goods or services promoted;
 14. Establishing, operating or promoting a sales promotional scheme in which the consumer is required to make a financial contribution for the opportunity to receive compensation, derived solely or primarily from introducing other participants into the scheme (snowball or Pyramid system)²;
 15. Falsely claiming that the entrepreneur is about to cease trading or move premises;
 16. Claiming that certain goods or services are able to facilitate winning in games of chance;
 17. Making the false statement, or creating the false impression, that the consumer has already won, or will win, a prize, or that he will obtain another benefit although such prize or benefit in fact does not exist, or that in any event the possibility of obtaining a prize or other benefit is subject to the consumer paying money or incurring a cost;
 18. Falsely claiming that goods or services are able to cure illnesses, dysfunction, or malformations;
 19. Giving false information on market conditions or sources of supply with the intention of inducing the consumer to purchase or use goods or services at conditions less favourable than general market conditions;
 20. Offering a competition or a promotional contest without awarding the prospective prizes or a reasonable equivalent;
 21. Offering goods or services as being "gratis", "free", "without charge", or using a similar expression, although costs are to be paid therefor; this shall not apply to the unavoidable cost of responding to the offer of goods or services or of collecting or paying for delivery of the goods or of using the services;
 22. Transmitting marketing material together with a document seeking payment and creating the false impression that the goods or services marketed have already been ordered;
 23. Making the false statement, or creating the false impression, that the entrepreneur is a consumer or is not acting for purposes relating to his business, trade, craft or profession;
 24. Making the false statement, or creating the false impression, that after-sale customer assistance in relation to goods or services is available in a Member State of the European Union other than the one where the goods or services are sold;
 25. Creating the impression that the consumer cannot leave certain premises before prior conclusion of a contract;
 26. Ignoring, while conducting a personal visit to the home, a request made by the person being visited to leave or not to return, unless such visit is justified for the purpose of lawful enforcement of a contractual obligation;
 27. Measures to dissuade the consumer from exercising his contractual rights in an insurance relationship by requiring him to produce such documents, on assertion of his claim, as are not needed as proof of that claim, or failing systematically to respond to correspondence asserting the said claim;
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¹ The word, "Particular manufacturer" replaced the word "Competitor" in accordance with amendment by Article 1(8)(A) of the **"Second Law amending the Law against Unfair Competition"** of 2 December 2015 (*Federal Law Gazette I / 2015, No. 49, 12/09/2015, p 2158 ff...*); in force from **10.12.2015**.

² Art. 1(8)(B) - The words "giving the impression" are replaced by the words "in which the consumer is required to make a financial contribution to the possibility" and the words "may be remunerated" are replaced by the words "to receive a remuneration".

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28. Including in an advertisement a direct exhortation to children to purchase the goods or services marketed or to persuade their parents or other adults to do so;
 29. Demanding the payment of goods which are not ordered, but delivered, or the provision of services, or demanding the return or safekeeping of unsolicited goods³; and
 30. Explicitly stating that the entrepreneur's work or livelihood will be in jeopardy if the consumer does not purchase the goods or services.
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³ Art. 1(8)(c) In paragraph 29, after the word "ordered", a comma and the words "but delivered" are inserted and the word "provided" is inserted before the word "services".