
Full title of law or regulation	Italian Civil Code. Royal Decree of 16 March 1942 n. 262. Approval of the text of the Civil Code. (GU 79 of 04.04.1942) Entry into force: 19.4.1942. http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:regio.decreto:1942-03-16;262!vig=
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Title of relevant section	Article 2598
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Article and commentary	Article 2598 of the Italian Civil Code provides that: <i>“Subject to the provisions that concern the protection of distinctive signs and patent rights, anyone who engages in acts of unfair competition:</i>
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- 1) *Uses names or distinctive signs capable of producing confusion with names or distinctive signs legitimately used by others, or slavishly imitates a competitor's product, or performs by any other means acts likely to cause confusion with the products and the activities of a competitor;*
- 2) *Spreads / Disseminates news and opinions about the products and the activities of a competitor, which may discredit them, or appropriates the qualities of the products or of the business of a competitor;*
- 3) *Directly or indirectly uses any other means which do not comply with the principles of professional fairness and are likely /able to damage another's company/ business”.*

- For article 2598 to be applicable, both parties have to be entrepreneurs/ businesses and a relationship of competition must exist between them (Note: ‘Competition’ is to be understood in a broad sense, to include the activity of potential competitors and competitors at different points in the supply chain, with the same ultimate target customer.)
- It is important to note that the law addresses acts of unfair competition irrespective of the fact that a breach has actually occurred. It prosecutes the mere possibility that an injury will occur.
- In Summary – the acts of unfair competition are divided into 3 classes:
 - 1) The misuse of names and of distinctive signs belonging to others; the slavish imitation of a competitor's products; the performance, by any other means, of acts liable to create confusion with the products and/or activity of a competitor.
 - 2) The spreading of news and opinions/ comments regarding a competitor's products and business where such news and opinions are likely to create discredit; the appropriation of the qualities of the products or business of a competitor.
 - 3) The use of unfair and dishonest means to damage the business of another
- Article 2598 does not specifically reference advertising. But case law has exploited the broad provision under Article 2598 (3) to include misleading and comparative advertising as falling under the prohibition.
- Traditionally, the courts have cited Article 2598 in cases involving illicit advertising: Art. 2598 (2) in cases involving derogatory advertising and Art. 2598 (3) in cases involving misleading advertising. These types of advertising have therefore been treated as acts of unfair competition between companies and the case law has identified several distinct categories of illicit advertising.

Today, even though specific legislation now governs this issue (in the form of LD 145/2007), some courts still refer to the Civil Code only in their decisions on misleading advertising
