

HW: David Hanák 17050

Karlovarské minerální vody (KMV) v. Karlovarská Korunní (KK)

The facts of the case are as follows: Two Carlsbad producers of mineral water, KMV and Karlovarská Korunní (KK), have long been arguing whose products are more beneficial to human health. Years ago, KMV, which produces Mattoni and Magnesia mineral waters, asked the court to ban broadcasting commercial spots on Korunní water. This water is produced by Karlovarská Korunní (KK).

In the first instance, the court decided in favor of the complainant. Therefore, the media could not broadcast commercials for Korunní water for the following seven months. However, the court eventually revoked its interlocutory injunction.

Karlovarská Korunní then sued KMV for 440,000 CZK, calculating the loss due to the ban on commercials. The High Court in Prague ruled partly in favor of the plaintiff. It held that KMV must pay half of the amount, that is 220,000 CZK. The judges acknowledged the damage to Karlovarská Korunní, but they lowered the total amount because the company could continue to use the existing spots.

However, both Karlovarská Korunní and KMV appealed the verdict. The Supreme Court affirmed the decision of the High Court. It argued that the conclusion of the Court of Appeals about the 50 percent compensation (property damage) was grounded in real costs proven in the proceedings.