

# Contents

Preface .....	V
Introduction .....	1
I. The Basis of the Law of Unfair Competition .....	7
1. The Law of Unfair Competition as a Code of Conduct .....	7
2. The Relationship Between the Law of Unfair Competition and Antitrust Law .....	10
3. The "Invisible Hand" of the Economic Science vs. the "Visible Hand" of the Legal Science .....	16
4. Competition as a Dynamic Process .....	20
5. The Economics of Information .....	23
6. The Consumer as Allocator of Production .....	26
II. Is Better Worse Than Best?	
An Unfettered View of Comparative Advertising .....	31
1. Introductory Notes .....	31
2. The Economic Function of (Comparative) Advertising .....	33
3. The Legal Function of Comparative Advertising .....	40
4. Comparative Advertising in the Netherlands .....	41
5. Comparative Advertising in West Germany .....	53
6. Comparative Advertising in France .....	58
7. Comparative Advertising in the U.S.A. ....	60
8. Comparative Advertising in the Common Market .....	68
9. Conclusion .....	71
III. Imitation is the Life Blood of Competition .....	73
1. Preliminary Remarks .....	73
2. The Economic Function of the Patent System .....	77
3. The Law of Precise Imitation in the Netherlands .....	83
4. The Law of Slavish Imitation in West Germany .....	92
5. The Law of Servile Imitation in France .....	97
6. The Law of Product Simulation in the U.S.A. ....	100
7. The Law of Precise Imitation in the Common Market .....	109
8. Conclusion .....	113
IV. The Protection of Trademarks Against Dilution, the Misappropriation Theory "Unlimited" .....	119
1. The Economic Function of the Trademark .....	121
2. Protection Against Trademark Dilution in the Netherlands ....	128
3. Protection Against Trademark Dilution in West Germany ....	136
4. Protection Against Dilution in French Trademark Law .....	141

5. Protection Against Dilution in American Trademark Law . . . . .	144
6. Protection Against Dilution in the Proposed Common Market Trademark Law . . . . .	148
7. Conclusion . . . . .	152
V. The Law of Unfair Competition and Trademark Law Both Serving the Competitive Process . . . . .	153
Bibliography . . . . .	163
Author Index . . . . .	173
Subject Index . . . . .	174