

Case

For the team of the University of Vienna at the PAX Moot Court

Der Wagen.

Vereinigte Vehikelwerke & -werkstätten AG (VWW AG) is a public limited company incorporated under Austrian law with its registered office in Wolfsberg (Austria). Its product range includes widely known and popular diesel engines, which are sold throughout the European Union. In 2015, VWW AG realises that due to the threat of climate change, the production of vehicles with combustion engines will have no future in the long term. Consequently, it decides to exclusively produce cars with alternative drive systems from 2025 onwards.

Redwar International (RW) is a non-profit organisation; established as a foundation with legal personality under Dutch law and headquarters in Amsterdam (Netherlands). RW does not trust VWW AG's declarations of purification and considers itself obliged to warn potential customers about VWW AG. To this end, RW conducts poster campaigns in France, Italy, Denmark, Austria, Germany and Poland – the main sales markets of VWW AG – and places advertisements in the largest daily newspapers in each of these countries. The posters show a polar bear cub sitting under palm trees. Above the picture it states: "VWW AG kills polar bears! Don't buy cars from VWW AG!".

VWW AG feels defamed by what it sees as a completely unjustified campaign. It demands that RW immediately stop the campaign, promise to refrain from any further campaigns and pay compensation for the damage to VWW AG's reputation. RW replies that it does not see any point in ending the campaign and that further campaigns are already planned.

You are to advise the VWW AG on the upcoming litigation. In this context, VWW AG would like to know from you:

- a) Before which courts it can obtain interim legal protection against RW and file a lawsuit; in case that several courts are open, before which court it would be advisable to file a lawsuit.
- b) Which law will apply to the claims of VWW AG in the event of a hypothetical action before an Austrian court.

Instructions: Answer the questions in the form of a memorial. Send your solution together with the other application documents to felix.krysa@univie.ac.at by 15 October.