

## **Abstract**

The subject of the doctoral dissertation is the restrictions on the right of advertising in the professions of public trust. The concept of a profession of public trust exists only in Polish law and does not have a legal definition, it was introduced by Article 17 paragraph 1 of the Constitution of the Republic of Poland, according to the wording of this article, the implementation of such a profession is associated with the existence of a professional self-government. The profession of public trust is a special profession, it is associated with obtaining information about the private life of another person. Its implementation requires the possession of a certain education and specialization, membership in a professional self-government, observance of ethical principles characteristic of the profession. In my dissertation, I discussed the law of advertising in professions of public trust affiliated with professional self-governments established by laws.

The American Marketing Association formulated a definition of advertising in 1948, which is one of the most popular: "it is any paid form of non-personal representation and endorsement of goods, services or ideas by a specific sender."<sup>1</sup> Advertising message influence the perception of the world and the formation of ideas about it. It has a significant impact on the recipient's decision-making. Entrepreneurs therefore make every efforts to make advertising attractive, interesting, engaging to the addressee, drawing his attention. In European Union law, bans on advertising of public trust professions do not exist. In accordance with the provisions of Directive 2006/123/EC of the European Parliament and of the Council of December 12, 2006 on services in the internal market, a total ban on advertising of regulated professions is contrary to EU law. The provisions of Directive 2000/31/EC of the European Parliament and of the Council of June 8, 2000 on certain legal aspects of information society services, in particular electronic commerce, in the internal market, seek to guarantee the free flow of information society services in the countries of the European Union. Members of regulated professions should be able to use information society services to promote their services, subject to their compliance with the rules of the profession. You can limit this right, but only for legitimate reasons, among others: public order, protection of public health, public safety, consumer protection. Restrictions on the right of advertising in the professions of public trust are intended to serve the proper

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<sup>1</sup> Kotler Ph., Marketing. Analysis, planning, implementation and control, Warsaw 2005

performance of these professions and also to limit competition among their representatives. The above thesis posed at the beginning of the dissertation was confirmed in the considerations made in the dissertation.

In the dissertation, I used the legal-comparative method, as well as the method of linguistic interpretation, which is important in the question of interpretation of regulations. Equally important in the dissertation is the institutional-legal method, which is related to the analysis of legal norms on the issue at hand. In the first chapter, I presented the concepts of advertising, commercial information, commercial message, unfair and unlawful advertising, among others, and described the absolute and relative prohibitions on advertising products/services in Polish law. In the second chapter I compared the concepts of profession, profession of public trust, free profession, regulated profession. In the third chapter, I described the law of advertising in self-governments representing legal professions, in the professions of lawyer, legal counsel, notary, bailiff; I presented the law of advertising in self-governments representing professions created as a result of the development of the market economy, in the professions: certified public accountant, tax advisor, patent attorney, and in local governments representing professions related to functions in construction and space design, in the professions of architect and civil engineer; I described the law of advertising in local governments representing medical professions, in the professions of doctor, dentist, nurse, midwife, laboratory diagnostician, paramedic, physiotherapist, pharmacist, veterinarian.