

Abstract

Use of the Fiduciary Fund in Commercial Relations

The subject matter of this thesis is the analysis of the possibilities of the Czech fiduciary fund to take part in business in any way or form. The vast body of work is concerning its interpretation and characteristics. To achieve this goal, after a thorough preliminary analysis and selection of the relevant sources, the thesis lays out the most crucial legal questions and areas of interest in which the current legal doctrine is not that much keen on answering. The thesis is divided into an introduction, four parts and a conclusion. After a brief general introduction and an outline of the goals follows a classification of Czech authors of legal doctrine analysing their opinions on the Czech fiduciary fund and their difference of interpretations.

The first part is dedicated to commercial and business potential of fiduciary fund based on wide possibilities of use of the trust of the Civil Code of Québec. The extensive second part discusses the relationship between commercial plant and Czech fiduciary fund following the relationship between capital company and Czech fiduciary fund. At the end of the second part the thesis describes the possible ways of operation of the commercial plant with the participation of the Czech fiduciary fund. In the third part the purpose of statutory provisions on the formation of the participant's name acting in commercial relations are put under scrutiny. The focus is based on naming legal entities, naming company and whether the statutory provisions on naming the Czech fiduciary fund fulfill the same purpose. For comparison, the thesis also lists the conditions for naming the Québec trust. New possible ways of use of Czech fiduciary fund in the world of commerce are described in the fourth part. The first one is inspired by agroecological Québec trust. The second one is proposed for the purposes of this thesis without anyone prior to processing this thesis mentioned in legal doctrine nor a published case from practice.

In the concluding chapter, the thesis evaluates whether the legal framework for Czech fiduciary fund allows it to grow a business and to be identified as an entrepreneur regardless the practice.

Keywords: fiduciary fund, the Québec trust, commercial fiduciary fund