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Abstract:

The article addresses the issue of the commencement of the three-year limitation period for a capital company's claims for compensation for damage caused to the company by a member of its body. According to the provisions of the law, the period is calculated from the moment the company becomes aware of the damage and the person obliged to compensate for it, but there is no clear indication as to when the company may be deemed to have become aware of these circumstances. The author examines in detail the divergent views expressed in the literature as to with whose specific knowledge (of which individual) the knowledge of the company is to be linked, and thus which individual must become aware of the damage and the identity of the person liable in order to assume that the company also became aware. The paper refers to the body of doctrine and jurisprudence on selected legal institutions that link certain legal effects to knowledge or a state of awareness in situations where such circumstances are to occur on the part of the legal person. The author explains in detail why the acquisition of knowledge by a company can be equated with the acquisition of knowledge only by certain categories of entities or collectivities indicated in the doctrine. The paper also formulates both *de lege lata* and *de lege ferenda* postulates.