

Abstract

This master thesis is focused on the topic of protection of personality rights with respect to media. The thesis presents national, European and international sources of law related to the protection of personality rights. The fundamental basis of the thesis is the Civil Code. However, the regulation of the personality rights protection is not limited to the Civil Code. Instead, it is entangled in numerous other law disciplines, e.g. the Criminal Law and the institute of defamation or the Media Law and the regulation of the right of reply. Out of the broad topic of the protection of personality rights, only a narrow section, i.e. the protection of the personality laws with respect to media, is taken into account. Besides an analysis of personality rights, an extended nomenclature description and a discussion of rightful and wrongful derogations of personality rights, a notable attention is also given to the problematics of public figures and to the comparison of the personality rights protection provided by the Civil Code to the individuals and to the legal entities.

The protection of personality rights of public figures often collides with fundamental rights. Specifically, the conflict lies between the right of personality protection and the freedom of speech. In the thesis, the treatment of this conflict by the judiciary is outlined and the most important deciding criterias used by the courts are presented. One of the contributions of the thesis lies in summarizing different tests used to resolve conflicts between fundamental laws.

The protection of personality rights given to legal entities is, despite its growing importance, often neglected in the contemporary legal texts. Even with all the differences between legal entities and individuals, the personality rights protection given by the Civil Code to the former significantly resembles the one provided to the latter. The main difference between the personality protection of a legal entity and that of an individual lies in the treatment of the compensation for non-material damage.

The presented work is build on the jurisprudence of the Supreme Court of the Czech Republic (SC CZ), Constitutional Court of the Czech Republic (CC CZ) and the European Court of Human Rights (ECHR). It can be stated that the decisions of CC CZ and SC CZ are in agreement with the decision-making practice of ECHR.