Abstract

This diploma thesis deals with selected aspects of personality rights protection with focus on new media. It provides analysis of national and EU regulation and presents Czech and European case law on the topic. Deficiencies in laws governing this area and in practices used for protection of personality rights are highlighted as well.

The first chapter focuses on the internet law, related phenomena and on the definition of the concept of new media. The following chapter introduces the notion of personality protection as embodied in the constitutional and civil law. Attention is focused on the human rights and on the different personality rights, such as right to protection of the name and appearance, right to dignity, honour and respect and right to privacy. Fake profiles on social media and automatic face recognition techniques are mentioned in this context. Chapter three provides a brief introduction to the data protection and targeted advertising.

The following section deals with limitations of personality rights, particularly with conflicts between human rights, with legal licenses, permissions and with typical unlawful interference with personality rights, which can be encountered on the internet. The issue of defamation, hate speech and street view services is discussed in detail.

Subsequently, the means of protection of personality provided by private and public law are presented. Concerns are given to the question whether they are applicable in the new media. Following part provides an analysis of the right to be forgotten and its positives and negatives. Furthermore, specific means of protection of the personality which can be used on the internet are mentioned. In conclusion, the need for a bigger role of the state and trans-national cooperation in protection of personality is emphasized, especially in the view of a growing power of international corporations operating the new media platforms.