

# **Legal protection of domain names in relation to rights of designation**

## **Abstract**

The diploma thesis focusing on the legal protection of domains in relation to the rights of designation has an ambition to offer its readers a comprehensive view of this issue. The work is divided into two basic parts, namely technical and legal parts. In the technical part, attention is paid to both the technical background of the domains, the functioning of the domain name system as well as the individual concepts such as the difference between the domain and the domain name. Legal part is divided into two chapters. The first chapter seeks, in particular, to anchor domains within the legal order, while the other deals with their differences with respect to the rights to designations and possible collisions with them.

In the first chapter, apart from a bit of history, the technical functioning of domains within the domain name system is described. Emphasis is placed on the hierarchical structure and explanation of the basic principles. The explanation also deals with different types of domains and their differences. The space is also dedicated to the registration process.

In the second chapter it deals with the status of domains, respectively domain names within the legal order. It polemize the existence of absolute rights and alternative options for domain name protection. It also takes into account the legal status of domain names in countries belonging to the continental law system, such as Germany and Austria.

The last third chapter is divided into two sections. In the first section, the rights to designation, their nature and the principles on which they stand are discussed in general. Here are described the most common situations where the domain name gets in practice into a collision with some of the rights of designation such as domain grabbing. The second section then describes the most common case of a collision of a domain name with the right of designation, namely a trademark. Except for the general treatise on trade marks, their signs and principles of operation, attention is concentrated on three areas of collision. The first is a case of identity, second the likelihood of confusion and a third protection of a trademark with a reputation.