Protection of personality rights of individuals and the protection of reputation, name and privacy of legal persons in media, including case law analysis

Abstract

The thesis deals with the issue of protection of personality rights of individuals as well as personal rights of legal persons in media. Current decision-making practice of the European Court of Human Rights and Czech courts shall be considered as integral to this thesis.

The thesis analyses not only theoretical questions relating personality rights of individuals and personal rights of legal persons, but it also reflects practical repercussions on legal remedies. It focuses mainly on reasonable compensation, defamation as well as the right to reply and supplementary statement. With regard to theme’s timeliness the thesis also reflects on legal framework of exemption from internet service provider’s liability in so-called new media under the Act No. 480/2004 Sb., about Certain Services of Information Companies, as subsequently amended.

The thesis is divided into seven chapters and thematically related subheadings, and its introduction and final part. The first chapter defines the essential terms relating personality rights, personal rights and media. The second chapter provides the overview of relevant sources of law. The third chapter defines individual partial rights, such as name, privacy and reputation. The fourth chapter focuses on criteria constituted by case-law for the balancing exercise of freedom of speech and personality rights. The fifth chapter is aimed at solving the question, how the conceptual differences of individuals and legal persons translate to legal remedies within civil, criminal and administrative law. The sixth chapter is dedicated to special legal remedies under media law, meaning the right to reply and supplementary statement. The last, seventh chapter aims to follow up on the previous chapter and therefore presents the question of exemption from liability of ISP hosting on internet.

Key words: protection of personality rights, media, case-law