

Selected legal aspects of liabilities vis-à-vis relationships on the Internet

Abstract

This rigorous thesis examines, through explanatory and interpretative methods, whether the Czech regulation provides for effective and proportionate application of legal liability within the Internet while focusing on copyright infringements committed on the Internet. The thesis consists of four structured chapters in which the author defines relevant theoretical and practical issues and then conducts his own analysis of the examined issue.

In the first part of this thesis, the author describes the historical development and functioning of the Internet, including the key actors shaping the Internet environment. By using historical and systematic interpretation, the author suggests that the trend of human interaction with the Internet has been increasing over time, which also leads to the increase in Internet torts.

In the second part of this thesis, the author defines the scope of legal liability within the Internet according to legal theory and the Czech legal system while considering selected specifics of the application of legal liability in the Internet environment. In this context, the author concludes that the effective legal regulation indirectly motivates injured parties to enforce their claims arising from Internet torts against Internet Service Providers, or by means of public law.

In the third part of this thesis, the author applies the general conclusions concerning legal liability to the area of copyright infringement on the Internet, especially in the context of selected problems related to the enforcement thereof. The author's analysis shows that a significant part of the exploitations of protected content on the Internet constitutes a copyright use, for which it is necessary to have the respective contractual or statutory authorization. The analysis also confirms that the Czech legal regulation provides rights holders with sufficient legal remedies to sanction copyright infringement on the Internet, however, the complicated substantive law issues in conjunction with procedural aspects may strengthen the preference of rights holders to enforce their claims against Internet Service Providers.

The final part of this thesis is devoted to the application of the safe harbour institute to Internet Service Providers whose services enable copyright infringement. In this part, the author concludes that the applicable legislation and case law essentially shift

economic costs of preventing and remedying copyright infringement to the information society services providers, which, according to the author, leads to a *de facto* reduction of the benefits that the safe harbour is supposed to provide. Pursuant to the author, this conclusion can be supported by recent and forthcoming legislation in the field of copyright law, which increase the exposure of Internet Service Providers in relation to copyright and administrative liability.

Considering the above, it can be concluded that this thesis sets forth a comprehensive summary of the effective legislation applicable to copyright infringement on the Internet, thereby contributing to the scholarly debate on this dynamically evolving topic.

Key words

Internet, liability, copyright infringement