

# RESUMÉ

## THE PRIVATE INTERNATIONAL LAW ASPECTS AND E-BUSINESS

No geographical borders, no time constraints, the instance of actions and reactions, indefinite number of customers, extreme lowering of costs – those are just several advantages of the use and evolution of information and communication technologies. Many of us look at the internet as the key to survival in the civilization. Today's society truly deserves to be described as the information society.

This paper analyzes the most important aspects of e-relationships and how the law relates to them. It specifically focuses on the electronic business, which is inherently connected with the private international law, since the internet is the most used source of information and the most frequent medium of communication in business relations all around the world.

In the first chapters, the common terminology used in the area of internet and the private international law is introduced, which is crucial to the comprehension of the following text. The analysis of the sources of the internet law, described as the set of regulations concerning internet relations, follows. Since the internet is connected closely with the globalization, the international cooperation on shaping the new e-norms is foreseeable. This is also the reason for the thorough research of the UNCITRAL Convention on Electronic Contracting and the latest EU rules among others.

After introducing the most significant legal principles of the ITC area, I will describe some of the practical issues of e-business. Starting with the field of domain names, the setting up of a website, followed by the electronic contracting and issues of e-signatures, we are led to the regulation of the liability of the internet service provider and the specific aspects of consumers' contracts.

Based on the observations mentioned, we can say that the basic norms of traditional law applicable on paper trades can be used also in the area of ITC law. It would not only be unreasonable, but also ineffective trying to create a different system for each - electronic and paper transactions. On the other hand, some specific problems such as the ISP liability or e-signatures will of course need specialized norms. In such cases the two main principles - the

principle of technological neutrality and of functional equivalence, must be maintained to assure the utility and effectiveness of the arising rules regarding internet transactions.

The promotion of electronic government is essential for the facilitating and the development of e-business, and is also discussed in the last chapters. Recently, much stress has been layed on integrated e-government in accordance with the trend of shifting the focus from the e-society onto an e-citizen. The idea is to create a single system, which will process the data submitted to the authorities so the citizen will not be forced to dispatch the same information to different offices. Among these matters, the effort of the European Union must be mentioned in the field of eJustice. One of the points on the Stockolm Programme, that defines the aims of EU for the period 2010-2014, is to provide easier access to justice for the European Union citizens by using information and communication technologies. Operating integrated e-government constitutes an advantage for the citizen as well as the state, whose internal processes become faster and therefore more efficient, which increases its competitive ability. Despite all the political proclamation and due to its relative newness, there is probably still a long way to go in securing functional integrated system of administration even in the EU.

Nonetheless, we must appreciate the progressive work of the European Union, coordinating today 27 legal systems, in the harmonizing regulation of ICT, and most of all the advanced activities on the ground of the United Nations as for setting the framework for the integrated, well-functioning e-society. In the light of recent inconsistent judicial decisions, it is obvious that there still is room and need for the additional work on the comprehensive international regulation and the establishment of relevant legislation where none presently exists in order to remove the obstacles left on the way to fluent international e-business.