

SUMMARY OF THESIS

Title : Legal protection of domain name in relation with the rights to a sign

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Summary :

Focus of my thesis is set on a legal status and protection of domain names and their holders in relation with the rights to a sign. The introduction part is dedicated to technical aspects of domains, domain names, structure of domains and domain operating organizations. Domain name is a unique identification mark of a computer in a network. Unique nature of domain name is given by the fact that it may be assigned only once. Subsequently, the text deals with legal nature of domain name as a subject matter of civil-law relations, which comprises things, rights and other property values. The next part brings analysis of the process through which a relation between a domain name holder and other participating subjects originates. Further, facts on European Communities domain .eu are offered, namely reasons that led to its creation, legal regulation of gradual and general registration and subjects, which are involved in registrations and operation of domain names under .eu domain. The main part is focused on infringements, which originate from registration and usage of domain names with respect to the rights to a sign. More specifically, infringements of domain names on legal names and trademarks are analysed. Infringements on legal names are the most frequent reason of lawsuits on the field of domain names. Additionally, infringements on name of municipalities are described. When considering infringements on trademarks, situations in which the trademark rights shall prevail and on the other hand when the domain name holder shall successfully protect his respective rights against the trademark holder are brought. The last part of the text offers procedural law aspects of domain name lawsuits, both in Alternative Dispute Resolution Process on-line and before a general court of law, and also specifies which legal remedies may be seek by the parties. The concluding part summarizes fundamental facts and outlines possible future development in the respective field.