

Resume

A topic of the thesis presented is a problem of evidences used in the civil procedures. This is a very important part of a civil procedure, because evidences are – from a practical point of view – the crucial stage of a procedure. Right by means of evidences the Court may obtain factual and material information serving a base for a meritory decision. This work is aimed to an analysis of the present legislative definition of the various types of evidences, the specific features of them, and a way of an implementation and the following assesment of them made by the Court of Justice.

This thesis is divided into six chapters. The first chapter contains a brief definition of a term of the evidence. The second chapter is structured in more details. This chapter is engaged in a term of an evidence and the types of evidences. It also specifies a fact, what is a subject of an evidence and which facts do not present a fact of evidences.

A base of the third chapter is an analysis of a list of the types of demonstrative evidences as it results the actual legislation. It is also engaged in the problem of an inquiry evidence and an acceptibility of it. In a conclusion of this chapter a inquiring duty of a party of the procedure is mentioned as a special case of the inquire evidence.

The fourth chapter represents a base of the thesis presented. There is an analysis of the evidences specifically defined in the civil code. The first subchapter is devoted to a hearing a witness. First of all it is aimed to a definition of the witness duty resulting from a law, and a refusal of a witness during hearing a witness and a specification of a witness fee. The next subchapter is aimed to an expert opinion, which is presented in detail, because this is a material evidence that is rather specific in the sense as the decisive circumstances can be explained based on an expertise. The individual parts of this sub-chapter discuss a question, which persons may present an expert opinion in the civil procedure, a form of a task of it and the essentials of it. Also a definition of a fee for an expert opinion is mentioned. The next sub-chapter is engaged in reports and statements of the official bodies, natural persons and legal entities. The forth sub-chapter is aimed to the written evidences, in particular to a categorisation and forms of them. Further on an investigation is discussed, including examination of a sample of goods, in which a damage of a right to intellectual property is suspected. The last sixth sub-chapter discusses a hearing of the procedure participants, and a history of the legal adjustment of such an evidence and a course of hearing the examined persons in comparison with the witness hearing. .

The fifth chapter deals with the evidences that are not given in the civil Court code explicitly. A special attention is paid to the problem of implementation of them and it also discusses a question of an non-acceptable evidence. The sixts chapter discusses a Court procedure, when examining the

evidences and the necessary quality of a person of the judge, and it also mentions the cases of a evidence defeat or a situation of „non liquet“.

The thesis presents a more detailed analysis of the problems in question, that forms a basic element of the civil Court procedure. The very actual problems are in question. From this point of view, it is necessary to appreciate that the evidences are listed in the civil procedure code only demonstratively, as it does not pretend to the dynamical developement of them in future.