

Abstract

This thesis deals with issues raised by the emergence of the Internet and e-commerce for the private international law. Using the Internet to conduct business brings up new situations that must be reflected and dealt with by law. It is to be solved whether just accommodation of current rules will be enough or new regulation will have to be adopted.

At first the thesis describes specific characteristics of the Internet, such as low costs of addressing users regardless of their geographic location or possibility of performing contracts in digitalized form and legal consequences of these characteristics. The following chapter deals with principles from which stems the difference in between jurisdictional rules in common law and civil law states. It examines jurisdictional rules stated in Brussels I Regulation in relation to e-commerce, especially consumer contracts. These firm rules are aimed to secure predictability of forum and in times of the Internet they have to overcome some difficulties through autonomous definitions of European Court of Justice.

The next chapter describes the approach of US courts to Internet related disputes. Since they have wide discretion they are able to react much more flexibly to technological developments. Their decisions therefore may be an inspiration for the regulation in Europe. Requirements of certainty and predictability are best met by rules which connect the exercise of jurisdiction over the entrepreneur with directing his commercial activities in the forum state. Such a requirement can be found in Brussels I Regulation in case of consumers contracts and in situations when US courts exercise specific personal jurisdiction. Disputes arising from other contracts are adjudicated by courts of state where the performance of contract took or should have taken place. In case of digitalized goods and services it is uneasy to determine place of performance, so this criterion is in conflict with requirements of predictability and certainty.

Finally, the thesis shows solutions of unpredictability of exercise of jurisdiction over Internet entrepreneurs. They can limit their exposure to jurisdiction by not directing commercial activities towards forum state or special rules or forums may be created to resolve disputes arising from e-commerce.