

ABSTRACT

The aim of this dissertation thesis is to provide an analysis of International Internet Law from an electronic commerce and, in particular, procedural law perspective. The author focuses on questions relating to jurisdiction which are, according to the author's opinion, specific and controversial to electronic commerce cases. Other questions of procedural law, such as, for example, recognition and enforcement of judgments, are not analyzed in this thesis, since the author does not see any specific issues with these questions in connection with electronic commerce.

The Chapter No. 1 in the theoretical portion of this dissertation thesis refers to internet as medium operating electronic commerce. The Chapter No. 2 reflects key and basic terms, contains, inter alia, definition of electronic commerce.

However, this thesis analyses questions of jurisdiction the Chapter No. 3 analyses also substantive law relating to electronic commerce and the basic terms used throughout this thesis. Due understanding of substantive law (from an EU law perspective; the e-commerce directive and from an international law perspective; the UNCITRAL Convention on Use of Electronic Communications in International Contracts) its principles and basic rules, would provide a clearer understanding of the issues of procedural law. Therefore, these documents are also analyzed in this thesis.

Due to the fact that rules explicitly solving questions of electronic commerce are not reflected in procedural law and it is therefore necessary to apply general procedural rules, the core practical portion of this thesis is an analysis of the Brussels I Regulation. The Brussels I Regulation is the key legal provision stipulating the rules on jurisdiction.

This thesis, in particular, attempts to find answers to questions on jurisdiction in cases of electronic commerce, in order to prove or disprove hypotheses. The core of this thesis is in Chapter No. 5, the detailed analysis provided deals in particular with Articles 2, 5 and 23 of the Brussels I Regulation.

This Chapter analysis two situations which might occur in connection with solving questions relating to jurisdiction in electronic commerce related disputes. The

first possible situation is conclusion on agreement on choice of court between parties and the second situation is a case where no such agreement was concluded.

The author concludes that although the first situation might in practice caused problems and difficulties in a case where a consumer is a party of such contract, the second situation is much more complicated. The second part of this Chapter is therefore trying to find answers on how to determine the jurisdiction in order to fulfil requirements of Brussels I Regulation and concurrently to comply with practical requirements.

This thesis also refers in its Chapter 6 to current issues relating to the position of consumers in electronic commerce; again, mainly from the perspective of determination of jurisdiction. Articles 15, 16 and 17 of the Brussels I Regulation are analyzed in more detail.

National law (including the Act on International Private Law or the Civil Code) and international law (such as the Hague Convention on Choice of Court Agreements) are also reflected in this thesis.

In conclusion, the author's main aim of this thesis is, in particular, to analyze defined hypotheses and legal provisions, from a practical point of view, as well as to provide comments on possible future developments in the areas of procedural law and e-commerce.