

Univerzita Karlova

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„E-BUSINESS“ A MEZINÁRODNÍ PRÁVO SOUKROMÉ

(„E-business“ and International Private Law)

Abstract

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ABSTRACT

This work concerns selected aspects of e-business and international private law. Its goal is to determine, whether the current rules of international private law are applicable to the legal relationships resulting from e-business.

The work consists of six chapters: Internet and E-business, E-business and International Private Law in the Czech Republic, Application of International Private Law rules to selected contract types, Contractual terms of selected e-business entrepreneurs, Specific rules applicable to non-contractual legal relationships and De lege ferenda.

The first and second chapters provide the essentials of the problematic, including the terminology and explanation on how the internet and e-business works.

Chapters three and five enable to observe theoretical problems of International Private Law rules applicable for e-business legal relationships. The main questions observed in this work are following: what is the competent court and what is the applicable law in the legal relationships arising while doing e-business? Answers are provided from the perspective of the Czech e-business entrepreneur who is selling products/providing services to the customers around the globe. The important part of these two chapters is dedicated to the current decision of European Court of Justice.

Forth chapter examines the compliance of contractual terms of selected e-business entrepreneurs with IPL rules. Amongst them, the following have been chosen: AVAST, Microsoft and Slevomat.

De lege ferenda chapter outlines the possible solutions for improvement of International Private Law rules may be reached by means of the use of geo-location technologies, reform of the domain names' system, reform of the internet governance and broader international cooperation in the field of e-business. All of the suggested solutions may ameliorate the

current often confusing situation, where several legal norms of different legal value (European, international and national level) are applicable and entrepreneurs providing e-business may not be certain about the possible outcomes as to the competent court and applicable law.

The outcomes of the work have affirmed that the current rules of International Private Law are applicable to legal International Private Law. However, further improvement (both legal and technical) in the field shall be desirable.