

Resumé

Unfair Competition

(Conception of Legal Regulation, Selected Facts in Issue)

Cybersquatting – a term that is often used but less often defined.

The purpose of this Thesis is to deal with this phenomenon, to try to define it and mainly to assess applicability of the legal regulation of unfair competition not only to this phenomenon but also to other unfair practices in the field of information technologies connected in some way with domain names.

The Thesis has been divided into two basic parts: The first part deals with the conception of the legal regulation of unfair competition in the Czech Republic. Here, the signs of the general clause contained in Section 44(1) of the Commercial Code are discussed in detail and the doctrine of competitive relations that is mostly applied in practice is critically evaluated. The first part of this Thesis also includes a proposal for a solution to overcoming the limits of this doctrine in the form of a two-stage test of practices in commercial intercourse whose part is the proposed conception of the economic conflict of interest which allows the persons involved to take legal actions against those competitors who use unfair practices despite their company's objects being quite different.

In this part, the reader can even find some *de lege ferenda* considerations concerning the legal regulation of unfair competition included in the new Civil Code.

The second part is focused on the issues of unfair practices in the field of information technologies (the Internet) and is divided into the following four chapters: Domain Name, Typology of Cybersquatting and Other Unfair Practices Related to Domain Names, Cybersquatting Test According to the UDRP, and Applicability of the Legal Regulation of Unfair Competition. Besides defining the legal nature of a domain name, this part includes typology of cybersquatting and of other unfair practices related to domain names. Here, the reader can acquaint him- or herself with the terms such as *Reverse Domain Name Hijacking*, *Domain Tasting*, *Domain Name Hijacking* or perhaps even *Phishing*.

The Thesis also includes a relatively detailed analysis of one of those special regulation that has been adopted in order to combat with cybersquatting (domain piracy), concretely the *Uniform Domain Name Dispute Resolution Policy* (UDRP).

The Policy that represent the so-called "soft-law" regulation are then compared to the "hard-law" - the regulation of unfair competition included in the Civil Code. Law of Unfair Competition provide wider protection than the protection against cybersquatting according to the UDRP which is caused by its specialization. Due to this specialization, some forms of unfair competition in the field of information technologies are not punishable under the UDRP.

The last chapter freely continues the first part. It evaluates applicability and the actual application of the legal regulation of unfair competition to those sharp practices that are committed on the Internet.

The Thesis is preferably focused on substantive subject matter, the respective procedural issues are not discussed.