

Abstract

Unfair competition in the Internet environment

This diploma thesis deals with the manifestations of unfair competition on the Internet. The aims of the diploma thesis were to provide an overview of methods of unfair competition occurring in this specific environment and assess their capability to fulfil the general clause of unfair competition.

The diploma thesis is divided into four chapters. The first one of them contains a general introduction to the law of unfair competition in terms of European legislation, namely Paris Convention for the Protection of Industrial Property and European Union law.

The second chapter discusses the regulation of unfair competition in the Civil Code, the general clause in particular. The thesis analyses the three conditions of the general clause, which must be cumulatively fulfilled, with regard to the Internet environment.

In the third chapter of this diploma thesis the concepts specific to the Internet environment, which are often interpreted incorrectly or wrongly, are described. I decided for inclusion of this chapter mainly due to the fact that I use these concepts in the text of this diploma thesis, therefore I wanted to avoid any inaccuracies or confusion that could result from their use without proper explanation.

The fourth and most extensive chapter forms the core of this diploma thesis. It comprises six sections, each of which deals in detail with one of the Internet unfair competition methods. Specifically, it focuses on linking, framing, inline linking, meta-tagging, sale of key-words and cybersquatting. Each of these methods is described with respect to the manner of its functioning and capability to fulfil general clause of unfair competition. It also includes an overview of foreign and Czech case law, which is associated with these methods.

The final section includes a reflection on the current state of the law of unfair competition in the legal system of the Czech Republic with regard to the analysed unfair methods that occur in the Internet environment.