

Abstract

Thesis title: Liability of information society services provider for the storage of information provided by a recipient of the service

This paper deals with a special liability rules for service providers that play a key role in the Internet environment and provide hosting services. Objectives of this paper are to specify the concept of the ISP, describe related current issues and above all to present and analyse the drafted legislation, which was presented by the European Commission at the end of 2016 and which has the potential to significantly influence the elaborated issues.

In order to achieve the aforementioned objectives, the thesis identifies the legislation dealing with this issue and describes the relationship between the European and Czech regulations. It also further specifies the essential conditions for the attainment and subsequent preservation of a Safe Harbour, which excludes the application of general liability rules. It also deals with the ISP's no obligation to monitor the information they store. In connection with the above-mentioned matter, this thesis analyses important decision-making practice, which presents advanced interpretation of the issue and the development of SDEU's approach to the status of ISP in general.

In its practical part, this paper focuses on the applicability of the general liability rules and their relation to the regulation of the ISP, as well as the most recent jurisprudence dealing with associated institutes. It further elaborates and analyses the prepared legislation, describes its shortcomings and questions the possible impacts from the practical perspective. In view of the criticism of the relevant provisions of the drafted legislation by the Member States and the experts in this field, it also takes into account the most recent developments representing the modifications to this proposed draft and also comments on its shortcomings identified with regard to the practical activity of the ISP. The author also expresses himself regarding the above-mentioned topics, deficiencies and ambiguities which he has identified using *de lege ferenda* considerations.

Keywords: ISP, information society service, liability of information society services provider, hosting, storage of content, Safe Harbor, notice and takedown, E-Commerce Directive