

Abstract

Legal protection of domains in relation to the right of indication

The aim of this master thesis is to provide information about the relation between domain names and law, with particular attention paid to rights of indication. The reader will become acquainted with the classification of domain names within the Czech legal system, their possible conflicts with different rights, and procedures which can be used for their protection. The thesis reflects changes caused by the new conception of private law and recent judicial decisions, mainly regarding alternative dispute resolutions. In order to understand this issue, it is also necessary to be familiar with the technical aspects of domain names and the Internet, and therefore this subtopic is included in the thesis as well.

The thesis consists of four topical parts. The first one, which is made up of the second and the third chapter, deals with the functioning of the Internet and IP addresses, the registration process of domain names, and their composition, management and main functions. It is followed by the second part, which is represented by the fourth chapter, evaluating the position of domain names in the legal system of the Czech Republic, especially in terms of the question whether domain names are the subject of ownership or not. In this part there are presented experts' arguments both in favour and against this conception.

The crucial parts of the thesis are the fifth and the sixth chapters. The first one concentrates on the relation between domain names and the specific rights of indication, namely trademarks, company names, designations of origin and names of individuals. The thesis describes cases when these rights are violated by domain names, and how they can be protected against it. The last chapter focuses on procedural aspects of domain names disputes. There are provided information about procedures which are used in order to resolve domain disputes, with specific emphasis on alternative dispute resolutions. The biggest attention is then paid to dispute resolutions within the .cz domain where some major changes have occurred in recent times, mainly in terms of the admissibility of arbitration proceedings.