

RESUMÉ

THE INTERNET AND PRIVATE INTERNATIONAL LAW

This thesis focuses on the connection of the Internet and Private International Law. Its aim is to make it easier to find a way in both old and new legal regulations concerned with this area of law and consider the possibilities of current legislation, and its use for the Internet relations.

For better orientation and understanding the topic, I am starting with the outline of the Internet as a unique communication device, which thanks to its special features such as borders ignoring, and instant actions and reactions, enables to engage in relationships - not only business ones - all around the world. These interactions are seen as relationships of private law with a cross-border element.

After the introduction of the most important terms, the basics of Private International Law follow along with an extract from its sources, which influence the Internet territory. I would like to point out the significance of international and European level of regulation. The EU-law especially ensures through the harmonization of basic structures of the IT-law that the object statutes of the Member States are almost identical. This increases the legal certainty significantly and therefore helps the evolution of new e-relationships and the whole discipline. The Community law trends in the field of the conflict of laws and procedure in particular deserve special attention and are inspiring to the global adaptation. The Directive on Electronic Commerce is crucial since it introduces the country of origin principle to the sphere of e-commerce and facilitates rendering of information society services within the European Community.

I think that the global cooperation needs to be emphasized in the future. The UNCITRAL Convention on Use of Electronic Communication in International Contracting is a practical example of the effort of international organizations to unify different national

regulations on cyberspace and to remove obstacles from the e-business sphere. Nevertheless, this modern document which contains direct rules on e-contracts between parties of different states is still in the stage of soft-law.

Contemporary society is founded on an enormous flow of information that was never more accurate and up-to-date. Projects previously unthinkable can be realized thanks to the new technology. E-commerce is one of those cases, and on this subject I am concentrating in the second part of my work. I am trying to explain basic rules of setting up a web shop, from creating a website, assigning a domain name to the conditions that the provider has to meet when entering into contracts online. Consumer protection is an important issue of e-commerce and as such it will be explored separately in the last chapters.

I have taken into consideration general principles, national legal requirements and the norms relevant to the providers and consumers in the Czech Republic as the Member State of EU. Most of all I want to highlight the diverse levels of consumer protections in various states. In general, the risk factor grows with greater distance between the contracting parties. Before starting an online business it is therefore reasonable to examine national imperative rules for the distance contracts and comply with them in order to prevent future undesirable situations (common case is violating the information obligations in relationship to the consumer).

To conclude, I can say that the criterion which Private International Law uses are after some changes applicable also to the Internet relations. Most of the problems which arise in connection with the cyberspace are solvable by the means of Private International Law and other traditional legal disciplines. However, with respect to the reasons that were mentioned in terms of court decisions (e.g. Yahoo! Inc.), it is strongly advised to work on legal unification worldwide.