

THE .EU TOP-LEVEL DOMAIN NAME AND THIRD PARTIES RIGHTS PROTECTION

English summary

My graduation thesis deals with the top-level domain .eu, its origins, methods by which it is embodied into legal enactments and mainly about rights relating to the .eu TLD and the extent of protection the holders of such rights could expect.

The prologue is focused on the general analysis of the problematic regarding domain name itself, both the technical and legal aspects. Thus in this part you could find information about the function of the domain name, its relation to the IP address and about the categorization made on the basis of the top-level and second-level distinction. There is also description made in this part of the three main TLD groups: a) generic TLDs - .biz, .com, .edu, .gov, .info, .int, .mil, .name, .net, .org, .pro, .aero, .asia, .cat, .coop, .jobs, .mobi, .museum, .tel, .travel, .arpa, b) country code TLDs and c) .eu domain, which probably creates the third group.

After common technical description of the domain name there is analogous treatise on the legal aspects of the domain names themselves as well as the description of the position of the entities involved in the legal relations relating to domains.

The main part of this work is then composed of the study of the .eu top-level domain. The reader should find the description of the historical context of the creation of the .eu domain, the legal framework within which this domain has the basis and which covers the functioning and respective legal relations. Further there is a description of particular rights; holders of them are protected against the mala fide registrations of the domain names corresponding with such rights. These rights are, inter alia, registered national and community trademarks, geographical indications or designations of origin, registered trademarks, trade names, business identifiers, company names, family names, and distinctive titles of protected literary and artistic works. Description of above-mentioned rights is completed by the enumeration and the analysis of the methods, used with the aim to protect holders of these rights against misuse, especially on the part so called domain grabbers or cyber squatters.

The last part is composed of the short comparison of the legal enactments regulating the .eu top-level domain name system, with the enactments covering so called generic top-level domain name system and the system of the .cz domain, representing the country code top-level domain name. Then follows the categorization and analysis of the decisions issued within the ADR, which should demonstrate main methods of misuse of the domain names registered under the .eu TLD and the view of the panelists who deal with this cases.