

Summary

In my thesis I analyse the law surrounding the “.eu” domain and I compare the legal regime of the “.eu” domain with the other TLDs.

My thesis is divided into four parts. The first part is devoted to the technical structure and general legal nature of domains. I analyze further, which legal relationships can arise with connection to domains. I found out that there are no special laws regulating domains in Czech republic and in the majority of European countries. I analysed court decision and expert opinions about this subject matter and my main conclusion is that domain names should be included in the category of “*another monetary values*”. I agree with the theory that “*another monetary values*” should be included in a personal property.

In the second part I focus on the domain „.eu”, particularly on it’s legal regulation, the registration process and related legal relationships. The “.eu” domain is the only TLD, which is regulated by law, whereas “soft law” regulates the other TLD. The “.eu” domain law was created to prevent problems, which arose in connection with registration of other TLD. The main way how to prevent future collisions is the rule, which allowed people with exclusive rights to trade marks and other names to register their domain names in Sunrise period, before the free registration process, Land Rush started.

In the last two parts I concentrate mainly on domain disputes. In the third part I focus on the relationship and collision of domain names with trademarks and unfair competition. I also analyze the connection between general domains and unfair competition.

The fourth part is devoted to alternative dispute resolution of the domain ".eu", i.e. ADR proceeding and decisions of Arbitration Court attached to the Economic Chamber of the Czech Republic and Agricultural Chamber of the Czech Republic.

The main difference of “.eu” domain disputes compared to disputes of other domains is that there is duty for all “.eu” domain holders to solve disputes via arbitration proceeding (ADR proceeding). This duty is stated in the regulation of European Commission num. 874/2004. Disputes are held at the Arbitration Court attached to the Economical Chamber of Czech republic Agricultural Chamber of Czech republic in Prague.

The main conclusion, which I have made, is that the “.eu” domain is the only domain which is regulated by law and by ADR decisions. That provides for “.eu” domain holders more secure and steady regime compared to the other TLDs. Beside that the “.eu” domain has other advantages, e.g. it signalises that the holder is opened to the business outside his country, can speak English and is bound by EU laws. Because of reasons above stated I suppose that the “.eu” domain has a good potential to become as popular as the domain “.com” in the future.