[CZ] Law on Certain Information Society Services

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The Czech Parliament has adopted Law no. 480/2004 on certain information society services, which entered into force on 7 September 2004.

The new law is designed to implement Directive 2000/31/EC of 8 May 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market.

In accordance with the Directive, the new law defines terms such as "information society services", "service provider", "established service provider", "recipient of the service", "consumer" and "commercial communication".

The law explains that service providers are not liable for the simple transmission or automatic, intermediate and temporary storage of third-party information which they have not selected or modified, whose transmission they have not initiated and whose recipients they have not selected. However, even providers who store illegal third-party content on their server may not be liable. Since their servers may regularly contain vast quantities of diverse, frequently changing content, such providers cannot and should not be expected to be aware of such content and check its legality. Only if they are knowingly storing specific illegal content can they, in principle, be expected to block access to and remove it.

Unsolicited e-mail advertising is regulated through the "opt-out principle". It is therefore illegal to send e-mail advertising if the recipient has asked not to receive it. E-mail advertising must be identifiable as such. It is left to the advertiser to decide how this should be achieved. There is no provision for standard labelling of such advertising.

Sanctions (fines) for infringements of the law are imposed by the Data Protection Office and the responsible professional associations (established by law).

The new law also makes certain amendments to the e-commerce regulations set out in the Civil Code. Before a contract is concluded, companies are now obliged to declare a great deal of information explaining the technical steps involved in concluding the contract, the filing of the contract and the technical means for correcting errors. These and other obligations apply to companies that conclude contracts via teleservices or media services, particularly the Internet.

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Zákon c. 480/2004 Sb. o nekter ych sluzbách informacní spolecnosti

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