

Table of Contents

List of Abbreviations..... 6

Preface 11

1. Introduction to cyberspace and its governance14

1.1. The notion of cyberspace 14

1.2. International cyberspace governance 15

 1.2.1. ICANN 15

 1.2.2. IANA..... 17

 1.2.2.1. Global IP address allocation 17

 1.2.2.2. Administration of the TCP / IP protocols numbers 18

 1.2.2.3. Administration of the Internet root name servers..... 18

1.3. Autonomous national cyberspace and domain name governance.. 18

1.4. Slovak national legal regulation of cyberspace 20

2. The notion and specificities of Cyber Law 22

2.1. The notion of Cyber Law 22

2.2. Cyber Law: general issues..... 24

 2.2.1. Regulatory approach to cyberspace: analogy to a stateless society? 24

 2.2.2. Cyberspace challenges to the traditional legal concepts 30

 2.2.2.1. New entities 30

 2.2.2.2. New objects..... 32

 2.2.2.3. New transactions 33

 2.2.2.4. New fundamental rights and freedoms 34

 2.2.2.5. Challenges to time and space: jurisdiction, conflict of laws and free movement..... 35

 2.2.2.6. Dispute resolution 39

3. Internet and the issues of jurisdiction and conflict of laws..... 40

3.1. Contracts 40

3.2. Cross-border liability..... 44

3.3. Criminal law..... 50

4. Contracting and e-commerce 54

4.1. Essentials of electronic transactions..... 54

4.2. Types of electronic transactions 62

4.3. e-Commerce 64

 4.3.1. Subject matter 66

 4.3.2. Subjects 66

4.3.3. Legal transactions at distance	68
4.4. Liability	72
4.4.1. The prerequisites of private-law liability	72
4.4.2. Liability of network operators	75
4.4.3. Liability of service providers	79
4.5. Consumer protection	87
5. Domain names and cybersquatting	99
5.1. Worldwide domain name governance	99
5.2. The Slovak ccTLD ‘.sk’	101
5.3 Cybersquatting	104
6. Alternative dispute resolution	107
6.1. The EU background	107
6.2. Alternative dispute resolution in Slovakia	107
6.2.1. Dispute settlement under the Act on electronic communications	109
6.2.2. Domain names dispute resolution for Slovak entities	111
6.3. Recognition of foreign decisions in Slovakia	115
7. Protection of intellectual property	117
7.1. Historical and philosophical background of Intellectual Property Law	117
7.2. International and EU Intellectual Property Law standards	118
7.3. Application of copyright in the cyberspace	122
7.4. Intellectual property rights protection	126
8. Competition law on the Internet	129
8.1. Restriction of competition	129
8.2. Unfair competition	130
8.2.1. Advertising and unfair competition	131
8.2.2. Trademark infringement and unfair competition	133
8.2.2.1. Cybersquatting	134
8.2.2.2. Metadata	136
8.2.2.3. Redirecting	138
8.2.3. Technical means of unfair competition	140
9. Data protection and privacy on the Internet	141
9.1. Cyberspace challenges to privacy and data protection	143
9.2. Personal data processing	149
9.2.1 The right of the data subject to access the data	159
9.2.2. The right of the data subject to exercise objection	160
9.2.3. The right of the data subject to disapprove and reject the transfer of personal data	161

10. Cybercrime as a new legal phenomenon 166
10.1. General legal development and the international and EU standards 166
10.2. Computer crime, cybercrime and ICT crime 176
10.3. Application of substantive Criminal Law in the area of ICT ... 181
10.4. Transposition of the Cybercrime Convention into the Slovak criminal law 186
10.5. Application of Criminal Procedure Law in the area of ICT. 194

Bibliography 205

Appendix 1: International law, EU and the Internet: basic sources 240

Appendix 2: National law and the Internet: basic sources 247