

Activities of Instagram influencers from the perspective of the Act to Regulate Advertising

Abstract

The diploma thesis deals with the issue of influencer marketing on the Instagram platform as a modern form of advertising, which is being used by social media influencers. It focuses primarily on the issue of regulation of advertising on the Instagram platform, specifically on hidden advertising, i.e. the rules, suitability and efficiency of labeling advertising collaborations between ordering parties (businessmen) and influencers.

In the 1st and 2nd chapters can be found definitions of associated terms such as influencer marketing and its forms, an influencer, the Instagram as a social medium and an advertisement, including its different types such as teleshopping, product placement and sponsoring. This part of the thesis takes into account both legal and also marketing aspects of the topic and thus connects both fields.

The core part of the diploma thesis in the 3rd chapter is devoted to the analysis of unfair business practices consisting of a hidden business purpose. This chapter also includes a comparison of the approach to these matters in other states (especially Germany and Sweden) through their jurisprudence.

The issue of labeling advertising posts on Instagram is then analyzed in the 4th chapter of the thesis. It takes into account the specific tools provided by this platform as well as the language used for labeling and its appropriateness. In this chapter, the jurisprudence of German and Swedish courts, or the approach of Hungarian authorities, is again included for a comparison.

The last, 5th, chapter is then devoted to the public liability of influencers in relation to the influencer marketing. In particular, the definition of their legal status as subjects of advertising, the supervisory authorities that supervise the regulation of advertising and the sanctions that can be imposed for misleading advertising.

The goal of the diploma thesis is to describe the current Czech legislation and evaluate its sufficiency in relation to the subject of influencer marketing on the Instagram. It points out some of its limitations and at the same time tries to outline possible *de lege ferenda* approaches based on a comparison of Czech legislation with foreign jurisprudence and methodology.

Key words: advertising regulation, influencer marketing, hidden advertising on Instagram