

The digital estate

Abstract

More and more social relations are moving online and, just as technology is evolving, the law must also respond to new challenges. One of such challenges, that builds on the massive advances in the online world, is digital inheritance. Therefore, as a focal point of the whole thesis, I ask what happens to digital assets, i.e. the values that each of us creates in our online activities, in the event of our death. Czech law does not contain any special provisions for the inheritance of digital assets. Therefore, succession depends on the relevant provisions under which we assess succession *mortis causa* today. The choice of a particular legal rule depends on the subject matter of the digital estate.

The legislation at the time does not even contain a legal definition of the term of digital estate (digital inheritance). In general, this term can be understood as all digitally stored data that may be part of the testator's sphere of legal disposition. The scope of this term is therefore filled by a whole range of values of different nature. Therefore, I distinguish three groups of digital assets for which common rules of inheritance can be defined. I devote the first and most extensive section to the inheritance of internet accounts intended for communication (specifically, e-mail accounts and social networking accounts). I then address the inheritance of cryptocurrencies, with an emphasis on the practical pitfalls of their passage *mortis causa*. The third group, to which I devote particular attention, consists of subscription accounts and online (cloud) storage.

The main goal of the thesis is to identify most of the contentious issues, to bring new insights to the burgeoning debate of legal doctrine, as well as to answer most of the questions raised. The thesis confronts the existing perspectives of domestic and foreign legal scholarship and practice with each other and then attempts to find a solution that will best suit the current concept of inheritance law in the Civil Code of the Czech Republic. Following this, the thesis also provides practical tips on how to face and prevent the most serious pitfalls related to the inheritance of digital assets.