

## English resumé

The subject of my thesis is Protection of personality in advertising. The aim was to describe in basic points of view the legal protection of personality rights in a specific area – advertising. The problem lies in the situation if someone uses other's name or photographs, likeness or descriptive attributes of personality without permission and for an exploitative purpose.

The thesis is divided into two parts. The first general part starts with the description of the origin of the advertising and its development during the last two centuries. As the main idea of the whole thesis – advertising, it was necessary to present a legal definition of this term. The general part explains the bases of the legal protection of personality rights: 1) the main principles – property law concept or human dignity concept, 2) the statutory provisions in specific codes, 3) who is able to sue, 4) limitations on liability for news and commentary, creative works and administrative purpose, 5) protection of fundamental rights such as the right to one's name, likeness, the right to protect one's honour, good name, privacy etc. 6) the legal means of protection and compensation under the Civil code.

Second chapter consider the unfair competition perspective. Unfair competition is regulated under the Commercial Code which prohibits any false or misleading designation of origin, description or representation of a product. This applies to appropriation of personality as well. So the third chapter deals with the relationship and with the common tools of protection under these two codes. The means of protection are divided into two units. The first one is created by general means of protection of personal rights. They are called general, because they are not connected only to personality rights. This unit includes agreement, self-help, protection of state administration body and court protection. The other unit is created by specific means of protection of personal rights which can be found in Civil Code § 13 – they are used to eliminate an unauthorized interference and satisfaction suit can be used to grant an adequate satisfaction. The same tools are in the Commercial Code but with other conditions.

Forth chapter describes the ethic self-regulation represents Czech Advertising Standards Council.

And at the end of first theoretical part I dedicated the commercial appropriation of human personality and its regulation in different legal system – mainly in the US and the UK. It was

explained the history of development of right of privacy and its transformation into the right of publicity. The scope and limits, elements of liability for unlawful use of name or likeness and other torts like passing off in the UK and its relationship with unfair competition.

The second part of the thesis deals with the practical cases in Czech republic and common law jurisdiction concern with celebrities, politicians and athletes and of course common citizen. The aim was to show the main differences and common signs on the actual case law.

At the end of the thesis I summarised the point of similarity and of difference in approaches taken to the protection of personality and put the question if it is possible to create a trans-nation law of publicity

I hope that I reached the aim and this thesis provides comprehensive view of the commercial appropriation of human personality and its regulation.