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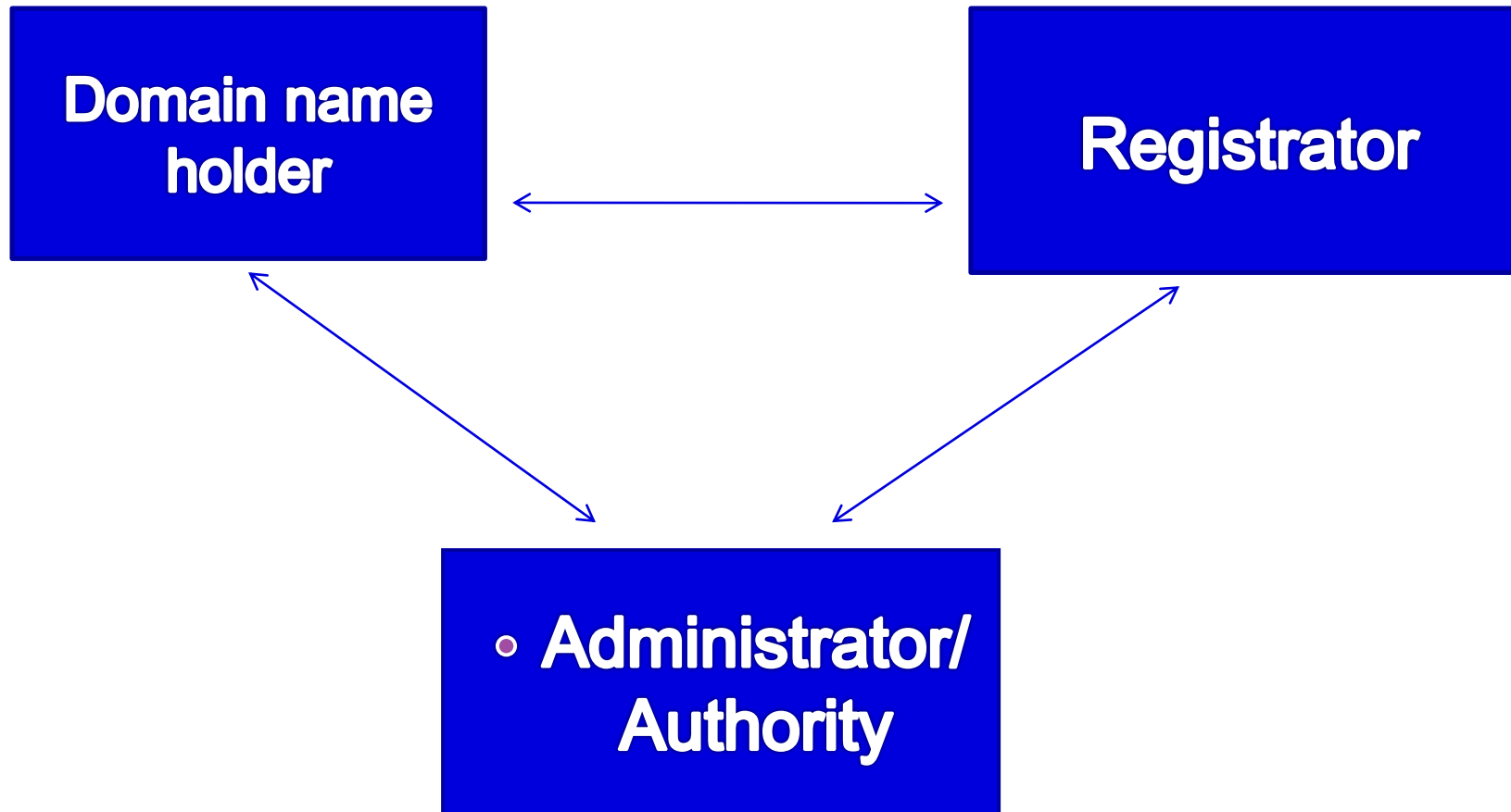
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Buying and selling a website

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Legal concept of a domain name

Domain name as a contractual relationship?



The legal relationship between the Administrator and the Registrar

Administrator

- Independent and non-profit institution
- Concludes contracts with registrars

Registrar

- Entrepreneur
- Mediates the assignment of „ domain names “
- Concludes contracts with users himself (not an agency)
- He has a right to conclude contract with a user, but not an obligation
- Under the Czech law, this contract is most similar to a mandate

The legal relationship between the User and the Registrar

Usually a service interconnected with a web-hosting

The duty of Registrar is to register a domain name at Administrator

User has the right to change a Registrar

Cancelling the contract with registrar, does not mean the cancellation of a domain name

The relationship between the User and the Administrator

Administrator has a duty to keep the domain name in his DNS database

Innominate contract

Contract for a limited time period

User has a duty to follow the terms and conditions of the domain

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TRANSFERRING A DOMAIN NAME

Transferring a domain name

Domain name is a contractual relationship between user and sponsoring organization (administrator) of a domain name

The registration of a domain name is usually mediated by “registrars”

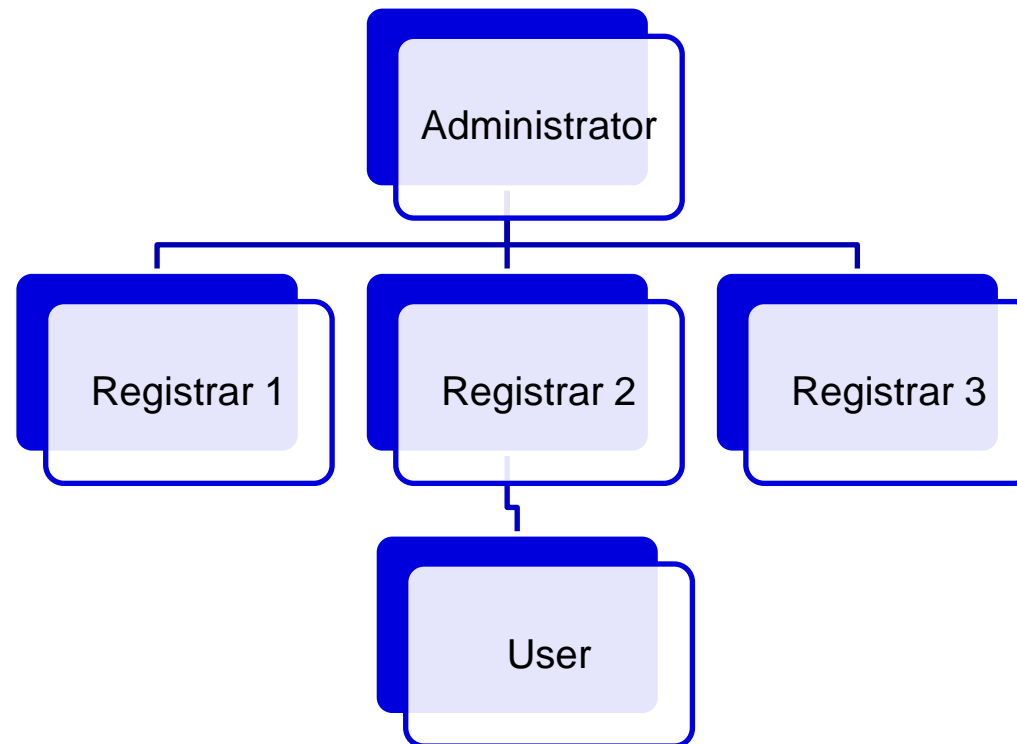
Possible transfers of a domain name

Transfer of a domain
name between two users

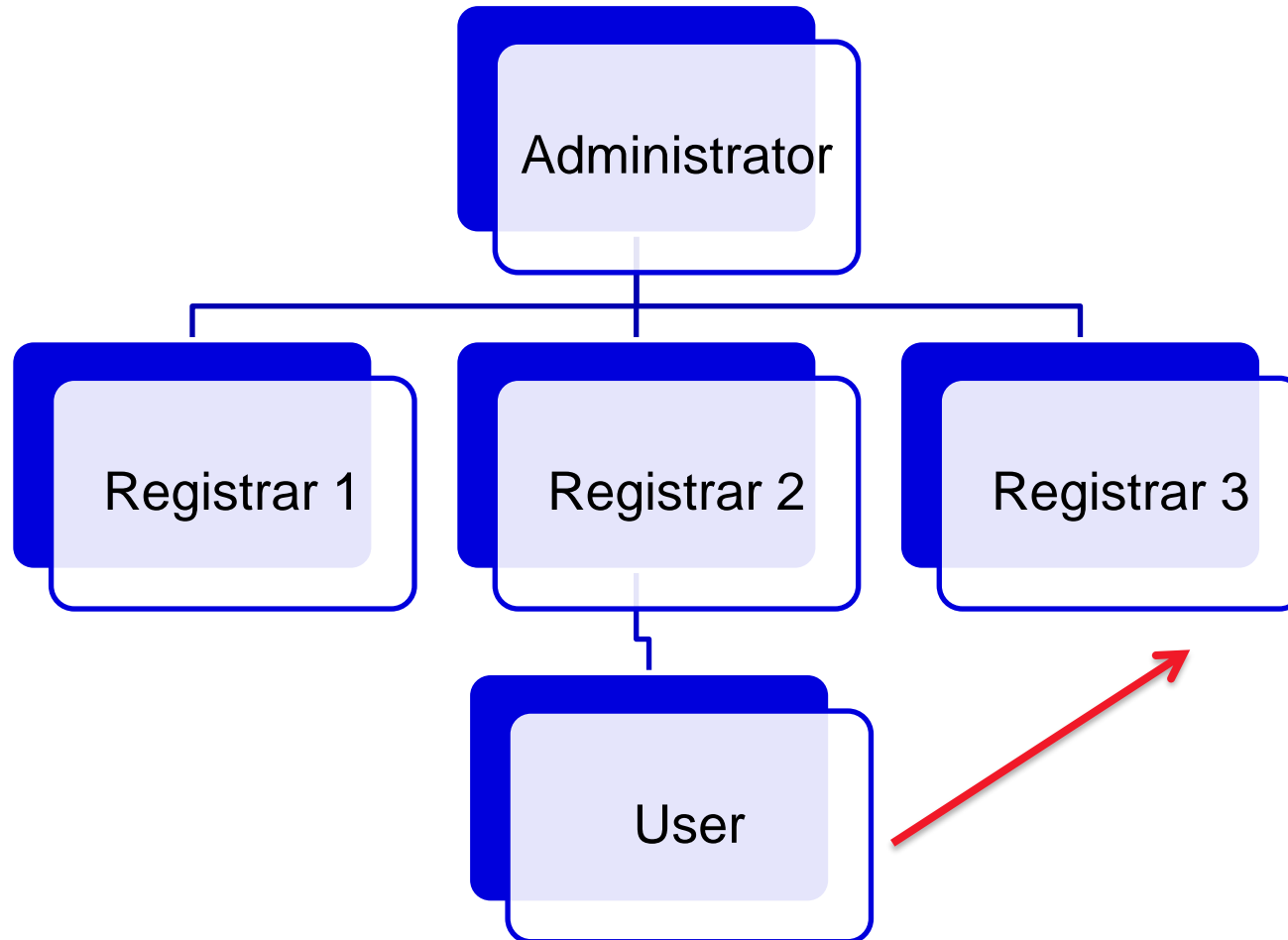
Individual user switches
registrars

Transfer of the domain
name between two users,
new holder transferring a
domain name to his
registrar

Traditional scheme



User switches registrar



User switches registrar

User gives authorization to a new registrar

New registrar (Gaining registrar) contacts former registrar (Registrar of Record)

Administrator (Registry operator) updates record in the DNS server

The Registrar may deny a transfer request only in case of:

Evidence of fraud

UDRP action

Court order by a court of competent jurisdiction

Reasonable dispute over the identity of the Registered Name Holder

No payment for previous registration period

Express written objection to the transfer from the Transfer Contact

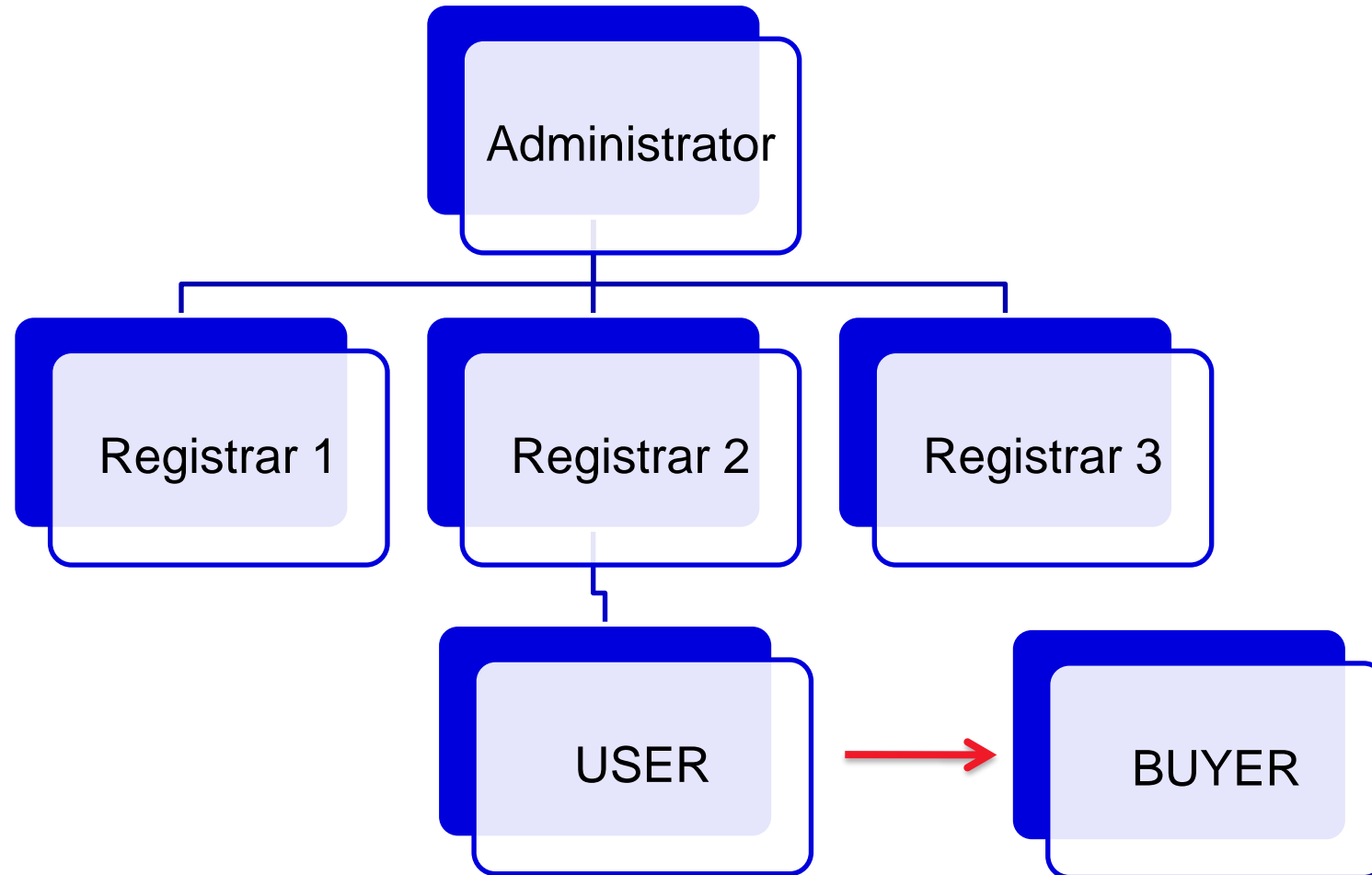
A domain name is in the first 60 days of an initial registration period.

A domain name is 60 days after being transferred

Scenario 2:

User transfers a domain name to a new user

User transfers a domain name to a new user



User transfers a domain name to a new user

Buyer and Seller conclude a contract

Buyer notifies his registrar

Registrar notifies Administrator

Eligibility check

Administrator updates DNS record

Practical part of transferring domain name

How do you find who owns the domain?

How do you conclude a contract?

Searching for an owner

WHOIS database

„WHO IS?“

service of administrator

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Step 2 – Making a contract

Contracting Exercise I.

Your Client, the company Meta Platforms, wants to invest into the Czech website fb.cz.

It desires to use website for completely different purpose, but wants to make transfer of the domain name sensitively, due to its content. FB would like to use the services of KRAXNET s.r.o. as his registrar.

Česko-německý fond budoucnosti pomáhá stavět mosty mezi Čechy a Němci. Cíleně podporuje projekty, které svádějí dohromady lidi obou zemí, které umožňují a prohlubují pohledy do jejich světů, do společné kultury a dějin. Od roku 1998 poskytli Fond budoucnosti dohromady bezmála 2,1 miliard korun na zhruba 12 600 projektů.

[víc](#)

Speciální výzvy

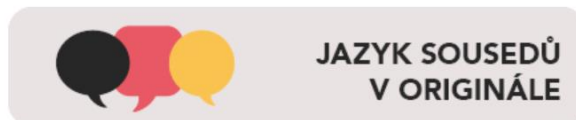
Začínáme!

Zjednodušený program podpory pro nová či obnovená projektová partnerství

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Jazyková animace pro všechny

Podpora binacionální jazykové animace při setkáních dětí a mládeže

[víc](#)**Projekt měsíce****PŘÍBĚHY
ZE
ŠUMAVY**

V KOMIKSECH

**GESCHICHTEN
AUS DEM
BÖHMERWALD**

IN COMICS

dubna 2022: Historie Šumavy v komiksech

Vznikla výjimečná komiksová kniha s názvem Příběhy ze Šumavy v komiksech. Ve dvanácti příbězích se seznámíte s nejdůležitější okamžiky a nejvýznamnější osobnosti z historie Šumavy.

[víc](#)

Aktuality

- ["Rok na hranici" není program pro dobrovolníky - přihlaste se do 19. 3.!](#) (6. 3. 2023)
- [Joachim Bruss nám bude chybět](#) (17. 1. 2023)
- [Vzpomínka na Franze Olberta](#) (13. 1. 2023)
- [Prezidentská anketa k Německu](#) (11. 1. 2023)



Areas of contract

1. Identify parties

1. Must be eligible

2. Identify domain name(s) (possible alterations)

3. Identify the duty of the seller

1. Give a written request to the registrar/administrator of the domain name

4. Identify obligations of the buyer

1. Pay the price
2. Information duty etc.

Vocabulary

Eligibility

Escrow

Installment

Indemnify and hold harmless

Right of withdrawal

Structure of the contract

1. Parties
2. Introductory notes
3. Transfer of the domain name
4. Transfer of other rights
5. Intellectual property claims
6. Payment provisions
7. Other provisions
8. Concluding provisions

Other Important issues

Copyright issues

Data protection issues

Content issues

Intellectual property of a website

(Web) Design rights

Trademarks

Software licenses e.g. (editing system)

Copyrighted content (pictures, movies, sounds)

Problem

Intellectual property is a RIGHT not property

Cannot be “sold” to a third party without the consent of licensor

Even if the seller has all the IP rights, he cannot transfer them - only license

Data protection issues

User databases

Personal data (e-mails, names, family status)

Sensitive personal data

Privacy and personal right issues

Emails, communication records, history of transactions

Pictures

Other Issues

In case the site offers service/goods –

Orders

Performance of contracts

Goods „on store“

Logistics (delivery systems)

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Discussion points

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Thank you

