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The control of compliance with obligations in the dissemination of business communications was initiated on the basis of 20 complaints received by the Office. The commercials were sent via e-mail messages and included offers for consumer goods, food and toys along with links to the websites of several online stores. On the basis of a technical analysis of the electronic headers of the e-mail messages in question containing business communications, which were part of the filed complaints, the Office found that all the sending domains are registered to the controlled person and a certain connection was also established between the controlled person and another entity in whose favor it was commercial messages are also disseminated.

The inspected person did not respond to the notification of the start of the inspection or to the repeated calls of the Office, and did not cooperate in any way during the inspection. For failure to cooperate, she was fined 25,000 CZK.

Taking into account the fact that the inspected person did not prove during the inspection that he had the consent of the relevant addressees to send commercial messages, the Office found a violation of § 7, paragraph 2 of Act No. 480/2004 Coll., on certain information society services. Furthermore, the Office also found a violation of § 7 paragraph 4 letter b) of Act No. 480/2004 Coll., for all commercial communications in question, as it did not contain the identity of the sender for whose benefit the commercial communications are disseminated. In the case of one commercial communication, the Office also noted a violation of § 7 paragraph 4 letter a) of Act No. 480/2004 Coll., as the commercial communication in question was not properly marked.

Considering that not only the actual sender is responsible for sending commercial messages, but also the one on whose behalf the commercial message is sent, based on objective responsibility, the Office found a violation of Section 7, Paragraph 2 of Act No. 480/2004 Coll. also with this company, in the case of commercial communications that were sent on its behalf. As part of the inspection, this company, like the inspected person, did not comment and did not provide the required cooperation, for which it was fined 25,000 CZK.

The inspected person did not object to the inspection report. In the given case, the Office will initiate the relevant proceedings on the offence.

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