

Path: Home page > Main menu > Supervisory and decision-making activity GlobalAdvertisement s.r.o.

On the basis of 675 initiatives, the Office carried out an inspection regarding compliance with Act No. 480/2004 Coll. in connection with the sending of business communications. The auditors found that the audited person violated the obligations set out in § 7 paragraph 2 of Act No. 480/2004 Coll., i.e. to use electronic contact details for the purpose of disseminating business communications by electronic means only in relation to users who they gave their prior consent to do so. The inspectors also came to the conclusion that there was also a violation of § 7 paragraph 4 letter b) of Act No. 480/2004 Coll., as the commercial communication did not contain a clear indication of the person on whose behalf the communication is being carried out. In connection with compliance with the condition set out in § 7 paragraph 4 letter c) Act No. 480/2004 Coll. reviewers found that some commercial communications included an opt-out link, some commercial communications included a phone number to opt-out, and some commercial communications did not contain any information on how to opt out of receiving commercial communications. However, at the time of the inspection, it was not possible to determine with certainty whether the sending e-mail address was functional, i.e. whether it was possible to send a request to unsubscribe from the sending of commercial communications, nor did any of the addressees state in their complaint that the rejected sending commercial messages sent in the form of a reply to a sent commercial message (RE:) were undeliverable. It was also no longer possible to unequivocally demonstrate whether the relevant link or telephone number indicated in the sent commercial communications was functional or not at the time of their dispatch and whether, in the case of recipients who used this option to unsubscribe, another commercial communication was sent after their rejection or not. For the reasons stated above, the inspectors concluded that it is no longer possible to prove with certainty whether the condition specified in § 7 paragraph 4 letter c) Act No. 480/2004 Coll. duly fulfilled. The controlled person sent commercial messages regarding the offers of goods and services of various online stores, and is therefore a provable sender of the commercial messages in question. During the audit, the audited person claimed that the e-mail addresses came from various sources, for example from the so-called Wheel of Fortune. However, she did not provide any evidence, or did not prove a legal title, or consent to send business communications to the e-mail addresses in question. At the same time, the origin of e-mail addresses cannot be considered as provable consent to sending business communications in accordance with § 7 paragraph 2 of Act No. 480/2004 Coll. are involved in some of the affiliate programs. In the investigated cases, the controlled person was in the position of sender of commercial messages. The companies mentioned in this control finding were then identified as disseminators of commercial

communications in the position of the principal - the sender of commercial communications, because by participating in the affiliate program they disseminated and initiated the submission of commercial communications mailings themselves.

ContextLocation: Document folders > Site map > Main menu > Supervisory and decision-making activities > Completed inspections > Inspections for 2019 > Unsolicited commercial communications - 1st half of the year > GlobalAdvertisement s.r.o. company View current documents | document archive | documents including the archive